



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.169 of 2016

Umar

: Petitioner

Vs.

1.State Represented by the
Secretary to the Government,
Home Department,
Fort St. George, Chennai.

2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari.

4.Mr.Mohan Iyer,
The Inspector of Police,
Special Intelligence Unit,
Kanyakumari.

5.Mr.Mohan,
The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari.

6.The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

[R-6 *suo motu* impleaded as per the order
of this Court dated 17.06.2016, made in
H.C.P. (MD) No.169 of 2016]

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents to produce the detenu, namely Siddiq, Son of (Late) Mahin, aged 23 years before this Court and set him at liberty.

<https://hcservices.ecourts.gov.in/hcservices/>

For Petitioner

: Mr.S.M.A.Jinnah



For Respondents

: Mr.A.Ramar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

WEB COPY

The petitioner is the brother of one Mr.Siddiq, S/o.(Late). Mahin, aged 23 years. According to the petitioner, the detenu was taken into custody by the respondents 4 and 5 on 07.02.2016 and thereafter, he was not let off. Thus, according to the petitioner, Mr.Siddiq was illegally detained, which forced him to file the present Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State. We have also perused the records carefully.

3. The learned counsel for the petitioner would submit that subsequent to the filing of the Habeas Corpus Petition, a criminal case was foisted against Mr.Siddiq and he was arrested and then, produced before the learned Judicial Magistrate and at that time, there were injuries on his person.

4. The learned Additional Public Prosecutor would submit that the detenu was not taken into illegal custody and no injury was caused by the police.

5. The learned counsel for the petitioner would submit that at the time when the detenu was produced before the learned Magistrate, the learned Magistrate has recorded the injuries found on him. Thus, according to him, injury was caused only by the police.

6. We have considered the above submissions. In this Habeas Corpus Petition, we are concerned only with the illegal detention of the detenu. Since he has been detained as per the judicial order passed by the learned Magistrate and since there is no illegal custody as on today, no relief could be granted to the petitioner in this Habeas Corpus Petition. Whether the detenu was detained illegally or not? and whether any injury caused by the police while in custody or not?- are all disputed questions of fact, which cannot be gone into in this Habeas Corpus Petition. The remedy for the petitioner lies elsewhere for the same. Therefore, the Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary to the Government,
Home Department,
Fort St. George,
Chennai.

2. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

3. The Inspector of Police,
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Kanyakumari.

4. Mr. Mohan Iyer,
The Inspector of Police,
Special Intelligence Unit,
Kanyakumari.

5. Mr. Mohan,
The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari.

6. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr. S.M.A. JINNAH , Advocate, Sr.No: 50273

JAM/SS 2/15.09.16/ 3P-9C

Order made in
H.C.P. (MD) No.169 of 2016
Dated:
06.09.2016