



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.10.2016**

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

H.C.P. (MD) No.904 of 2016

M.Pavithra

... Petitioner

-vs-

1.The Superintendent of Police
Office of the Superintendent of Police
Dindigul

2.The Inspector of Police
North Town Police Station
Dindigul

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to direct the respondents to produce the person (or) body of detenu by name J.Mohanram, son of Jegadeesan, aged about 36 years, husband of the petitioner before this Court and set him at liberty.

For Petitioner : Mr.G.V.Vairam Santhosh

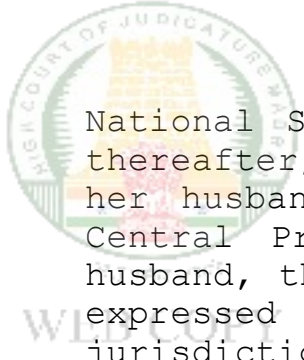
For Respondents : Mr.A.Ramar
Addl.Public Prosecutor

O R D E R

[Order of the Court by M.SATHYANARAYANAN, J.]

The petitioner, who claims to be the wife of the detenu, namely, J.Mohanram, in the accompanying affidavit would state, among other things, that the marriage between her and the detenu took place in Samundheeswari Temple at Mysore, on 15.07.2010, and thereafter, they started living together as husband and wife and on 21.07.2010, her husband left the house, but he did not return and in this regard, she lodged numerous complaints before the Government as well as the Police Department, but no response is forthcoming.

2. The petitioner would further submit that on 03.05.2014, the Superintendent of Police, Dindigul / first respondent informed her that her husband has got injured due to explosion of country bomb at Chidambaram and he is in a critical condition and a case, under



National Security Act, has also been registered against him and thereafter, she went to JIPMER Hospital at Pondicherry and seen her husband and thereafter, her husband was transferred to the Central Prison at Trichy and when she went there to see her husband, the Jailor concerned refused to allow her. The grievance expressed by her is that as and when she approached the jurisdictional Police, she was not given proper response and in fact, she was also castigated that her husband was a murderer and he is having bad antecedent and in this regard, she has also submitted a representation to the respondents 1 and 2, on 15.06.2016, but despite receipt of the same, they have not taken any action on her representation and therefore, she has filed this habeas corpus petition.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a B.Sc., Graduate and she has not seen her husband for the past five years and her apprehension is that her husband / detenu may be kept in illegal custody and therefore, prays for appropriate orders.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondents has drawn the attention of this Court to the counter affidavit of the second respondent and submitted that the petitioner is a notorious rowdy and history-sheet in Rowdy HS.No.509 has been opened for the purpose of keeping him under surveillance and he originally belonged to Madraspandi group and there were inter rival claim between Madraspandi group and Karadimani group and in Paragraph No.5, the second respondent Police has listed the cases, in which non-bailable warrants are pending for execution against him, and it is extracted hereunder:

- "i) Crime No.322/1998 under section 147, 148, 341, 323, 302 r/w 109 IPC on the file of Dindigul Town North Police Station;
- ii) Crime No.522/1999 under section 147, 148, 302, 506(ii), 109 IPC on the file of Dindigul Town North Police Station and he is absconding from 23.09.2013.
- iii) Crime No.1222/1999 under section 302 r/w 341 IPC on the file of Dindigul Town North Police Station and the accused jumped bail and absconding since 2.11.2015;
- iv) Crime No.414/2005 under section 302 IPC on the file of Mangalam Police Station, Tiruppur District;
- v) Crime No.500/2004 under section 285, 286 IPC r/w 5 and 9 of Indian Explosives Act on the file of Tiruverkadu Police Station;
- vi) Crime No.412/2007 under section 309 IPC r/w 25 of Indian Arms Act on the file of Pattinapakkam



Police Station;

vii) Crime No.125/2014 under section 3, 4, 5 of Explosives Substance Act, 1908 on the file of Annamalainagar Police Station, Chidambaram; and

viii) Crime No.243/2014 under section 147, 148, 341, 302 IPC r/w 120(b) IPC and 3 of SC/ST Act."

WEB COPY

5. The learned Additional Public Prosecutor further submitted that the petitioner's complaints have been duly considered and on enquiry, it came to know that in order to safeguard her husband from arraying as accused in the criminal cases, she is going on submitting complaints one after another and ever since the date of release i.e.12.06.2015 from the Central Prison, Trichy, he is absconding and a Special Team has been constituted to secure him and as and when he is secured, he will be produced before the jurisdictional Magistrate Courts, who had issued non-bailable warrants against him, for passing further orders.

6. This Court has carefully considered the rival submissions and perused the materials produced.

7. A perusal of the counter affidavit filed by the second respondent would disclose that the cases, in which the detenu is involved, are heinous in nature and it is the specific stand of the second respondent that ever since the date of release from the Central Prison, Trichy, he is absconding and all effective steps have been taken to secure him by way of executing non-bailable warrants by constituting a Special Team and in the light of the stand taken by the second respondent, this Court is of the view that the detenu is not in illegal custody and the habeas corpus petition is, therefore, liable to be dismissed.

8. In the result, the habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police, Dindigul.
- 2.The Inspector of Police, North Town Police Station, Dindigul.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P. (MD) No.904 of 2016
03.10.2016