



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P (MD) No.743 of 2016

Seeniyappan : Petitioner

Vs.

1.The Superintendent of Police,
Theni District,
Theni.

2.State represented by
The Inspector of Police,
Bodi Taluk Police Station,
Theni District.

3.Duraisamy

4.Seenisamy : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to secure and produce the body of the detenu, namely Minor S.Siva, S/o.Seeniyappan, who is aged about 17 years old and hand over the custody to the petitioner.

For Petitioner : Mr.M.Prabu

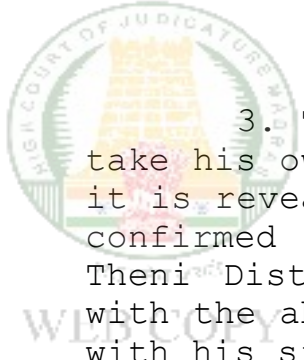
For Respondents1&2 : Mr.T.Mohan,
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The second respondent produced the detenu, by name S.Siva before us. The detenu informed us that he is not in illegal custody. He is presently residing along with his sister, by name Chandra at Karattupatti Village, Bodi Taluk. He wanted to reside there. He is not prepared to go with the petitioner.

2. We have also examined the petitioner, who appeared before us.



3. The detenu, though a minor, is mentally mature enough to take his own decision with regard to his future. From our enquiry, it is revealed that he is not in illegal custody. The said fact is confirmed by the Inspector of Police, Bodi Taluk Police Station, Theni District, who informed us that he has been residing only with the above referred Chandra. The detenu is permitted to reside with his sister Chandra at Karattupatti Village.

4. The Habeas Corpus Petition is disposed of with the above observation.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Theni District, Theni.

2. The Inspector of Police,
Bodi Taluk Police Station,
Theni District.

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

+1cc to M/s.M.Prabhu, Advocate in SR.No.31216/16 dated:17.06.2016

SDR/SKS-RR/24.06.2016/2P/5C

Order made in
H.C.P(MD)No.743 of 2016

Dated:
16.06.2016