



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.[MD].No.763 of 2016

P.Mohanraj

:Petitioner

Vs.

1.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindugal District.

2.The Inspector of Police,
Natham Police Station,
Dindugal District.

3.The Sub-Inspector of Police,
Natham Police Station,
Dindigul District.

[R-3 impleased *suo motu* as per the
order of this Court dated 21.06.2016,
made in H.C.P.(MD)No.763 of 2016]

:Respondents

PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the second respondent to produce the person or body of the petitioner's father namely P.Poovansamy (47/16) S/o.C.Periampillai before this Court and set him at liberty.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.A.Ramar,

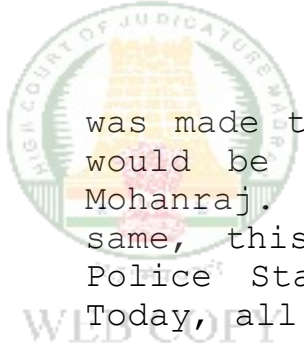
Additional Public Prosecutor

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner is the son of one P.Poovansamy, S/o.C.Periampillai, aged 47 years. According to the petitioner, the detenu was illegally taken into custody on 18.06.2016 at 12.15 a.m., and he was not released. Therefore, this Habeas Corpus Petition was filed.

2. When the Habeas Corpus Petition earlier came up for hearing on 21.06.2016, the detenu, on his own, appeared before this Court and told the Court that the Sub-Inspector of Police, Natham Police Station, took him into custody at 12.30 p.m., on 17.06.2016 and he



was made to stay in the police station under the pretext that he would be released only in case he produced his son, by name Mohanraj. He was released thereafter on 19.06.2016. Recording the same, this Court impleaded the Sub-Inspector of Police, Natham Police Station, *suo motu* as the respondent in this petition. Today, all the parties are heard.

3. The Sub-Inspector of Police would submit that the detenu was not at all detained. He was called only for enquiry and immediately, he was let off. But the learned counsel for the petitioner would submit that the detenu was illegally detained for two days.

4. From these submissions, it is crystal clear that it is a disputed question of fact as to whether the detenu was illegally detained or not. The said disputed question of fact cannot be resolved in this Habeas Corpus Petition in the absence of any evidence. Therefore, it is for the petitioner or the detenu to work out his remedy in the manner known to law. In this case, since the detenu is at liberty, no further direction is required. The Habeas Corpus Petition is, accordingly, dismissed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Dindugal District.
- 2.The Inspector of Police,
Natham Police Station,
Dindugal District.
- 3.The Sub-Inspector of Police,
Natham Police Station,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.T.Lajapathi Roy, Advocate in SR.51193

H.C.P.[MD].No.763 of 2016
Dated:08.09.2016