

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.12.2017

Coram

The Hon'ble Mr.Justice RAJIV SHAKDHER
and
The Hon'ble Mr.Justice N.SATHISH KUMAR

H.C.P.No.1095 of 2017

C.Mariappan

.. Petitioner/Father

Vs.

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Dharmapuri, Dharmapuri District.
3. The Inspector of Police,
B1 Police Station, Dharmapuri,
Dharmapuri District.
4. Madhu @ Priya
5. Jaganathan
6. Eswari
7. Mathi
8. Selvi

... Respondents/Complainant

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ in the nature of Habeas Corpus, directing first and second respondents to produce the detainee, M.Manikumar, S/o.Mariappan, before this Court and restore the legal custody of the detainee.

For Petitioner : Mr.C.Girish Babu

For Respondents: Mr.V.M.R.Rajentran,

For R1 to 3 Additional Public Prosecutor

: Mr.M. Senthil Kumar for R4 to R6

O R D E R

(Order of the Court was made by RAJIV SHAKDHER,J.)

1. As indicated in our previous order dated 07.12.2017, the detainee has already died; a fact, which is recorded in the status report dated 13.11.2017 filed by the State.

2. According to the status report, the detainee died in and about 31.05.2015. It appears that the petitioner, who is the father of the detainee, filed a compliant only on 02.06.2016. The reason given by the counsel for the petitioner for the delay, is that, the petitioner came to know from the detainee's wife, i.e., respondent No.4, only in June 2016, that the detainee had been missing.

2.1. Furthermore, learned counsel for the petitioner says that the police has shown the petitioner, only the photograph of an unidentified dead body available in the record of the State Crime Records Bureau (in short, "SCRB"), which has features resembling the detainee.

2.2. The status report is indicative of the fact that the inquest proceedings have already been conducted.

3. In these circumstances, all that can be said, at this stage, is that, if, the petitioner has a doubt as regards the cause of death of the detainee, i.e., his child, he would be at liberty to take recourse to an appropriate proceedings, albeit, in accordance with law.

4. Accordingly, respondent No.1 to 3 are directed to furnish copies of the post mortem report, as also the inquest report to the petitioner.

4.1. The needful will be done within ten (10) days from today.

5. The captioned petition is closed, in the aforesaid terms.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

gg

To

1. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
2. The Deputy Superintendent of Police,
Dharmapuri, Dharmapuri District.

WEB COPY

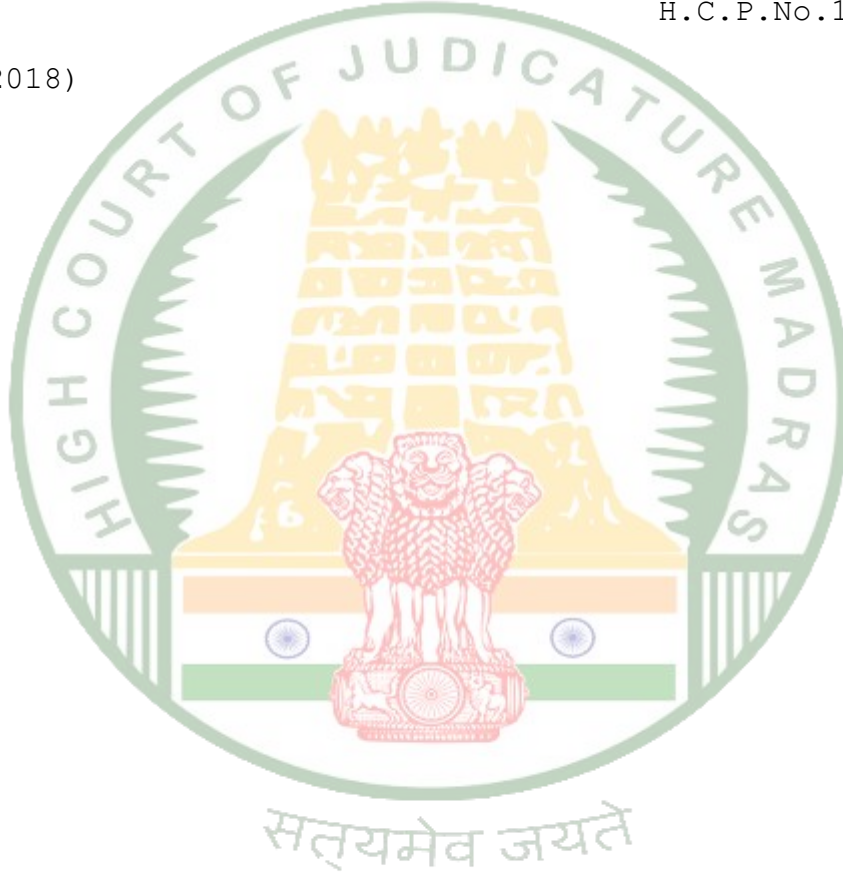
3. The Inspector of Police,
B1 Police Station, Dharmapuri,
Dharmapuri District.

4. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.C. Girish Babu, Advocate sr 88254.

H.C.P.No.1095 of 2017

SP(22/01/2018)



WEB COPY