

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.2129 of 2016

M.Kuraisa Farjana

... Petitioner

vs.

1.The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.

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

3.Sathick

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the first and second respondents to to make investigation in the case registered in CSR No.463 of 2016, on the file of the first respondent and produce the petitioner's mother, Anisha Begum, aged 44 years, before this Court and set him at liberty.

For Petitioner : Mr.C.Munusamy

For Respondents : Mr.V.M.R.Rajentren, Addl.P.P.
for R1 and R2
Mr.K.Raja for R3

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 and 2 to trace out and produce the detenue, by name, Anisha Begum, aged 44 years, mother of the petitioner.

2.It is seen from the records that on 24.10.2016, this Court has permitted the detinue to go with her bother, who has been arrayed as the third respondent herein. But on the date of passing the said order, there is no representation on the side of the petitioner and subsequently, a petition has been filed to restore the present petition on the ground that the present petition has not been called in open Court on the adjourned date. On the basis of the said petition, this petition has been restored to file.

3.Today, the petitioner is present and she has been identified by her counsel.

4.The third respondent, viz., brother of the detinue, has produced her. In fact, this Court has enquired her and she candidly expressed her willingness to go with her brother/3rd respondent.

5.Considering the definite stand taken on the side of the detinue, the relief sought in the petition cannot be granted in favour of the petitioner. However, the petitioner can be permitted the right of visitation so as to see her mother/detinue, as indicated below:

In fine, the detinue is permitted to go with the third respondent/her brother. The petitioner is at liberty to see the detinue as and when she likes. The third respondent should not cause any disturbance to the petitioner.

6. With the above observation, this habeas corpus petition is disposed of.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

msk

To

1. The Inspector of Police,
Sirkazhi Police Station,
Nagapattinam District.

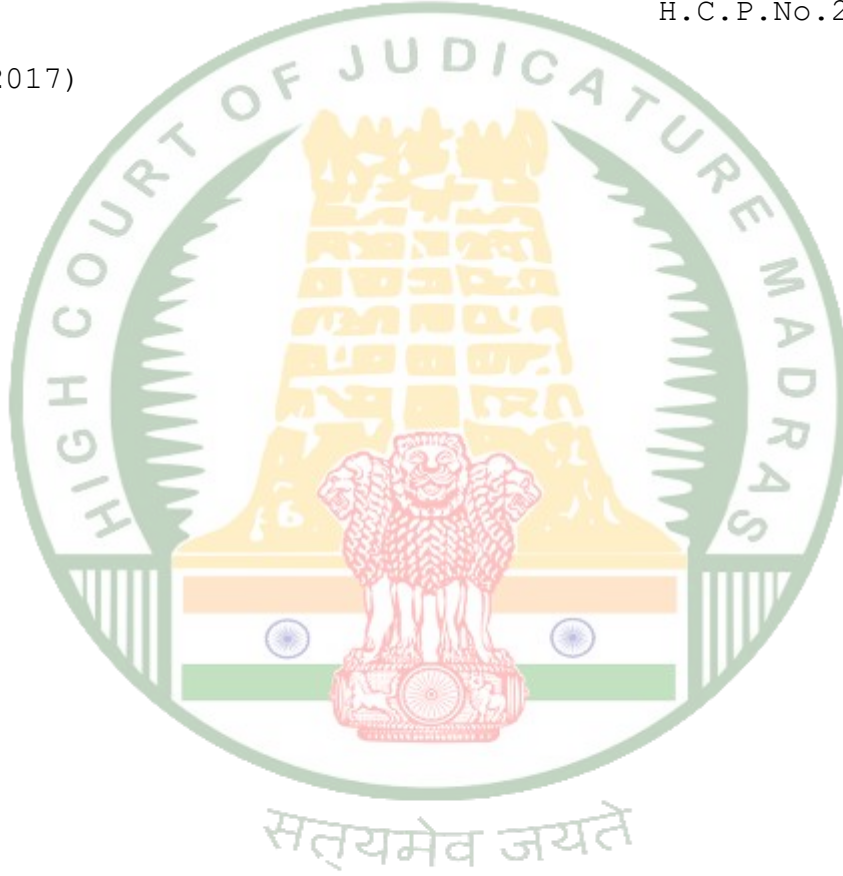
2. The Superintendent of Police,
Nagapattinam,
Nagapattinam District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Munusamy, Advocate Sr. 50074
+1cc to Mr.K.Raja, Advocate Sr. 51092

H.C.P.No.2129 of 2016

VD(CO)
VR(02/08/2017)



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