

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

and

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No.2189 of 2016

M.Kala .. Petitioner

Vs.

- 1.The Director General of Police,
Chennai.
- 2.The Commissioner of Police,
Chennai.
- 3.The Inspector of Police,
D6, Anna Square Police Station,
Chennai.
- 4.The Commander,
Coast Guard Region (East),
Head Quarters,
Indian Coast Guard Region (East)
Rajaji Salai, Near Napier Bridge,
Chennai-600 009. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus directing the respondents to produce the son of the petitioner, namely, M.K.Baskar, aged about 17 years, before this court.

For Petitioner : Mr.P.Srinivasan

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor for RR1 to 3
Mr.B.Rabu Manohar, CGSC for R-4

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3 and Mr.B.Rabu Manohar, the learned Central Government Standing Counsel, appearing on behalf of the fourth respondent.

2 This Habeas Habeas Corpus Petition has been filed by the mother of the detenu, namely, M.K.Baskar, aged about 17 years, praying that this Court may be pleased to direct the respondents to produce the detenu before this court and to pass such further or other orders, as this Court may deem it necessary, in the given facts and circumstances of the case.

3 It had been stated that the detenu, M.K.Baskar, had joined B.Com degree course, in Annai Violet Arts and Science College, Pattarawakkam, Chennai. On 24.9.2016, he had left home to attend the classes in the said college. While so, one of the friends of the detenu had called the petitioner and had informed her that the detenu had been washed away into the sea by the waves. Therefore, the petitioner had filed a complaint before the third respondent and the said complaint had been registered, in Crime No.570 of 2016. Since no effective steps had been taken by the respondents to trace the detenu, the petitioner has preferred the present Habeas Corpus Petition, before this Court.

4 A status report, dated 9.11.2016, had been filed by the third respondent, Inspector of Police, D-6 Anna Square Police Station, giving details of the steps taken by the respondents to trace the detenu. It has been suspected that the detenu had been washed away, by the waves while taking bath in the sea. However, this court had directed the learned Additional Public Prosecutor appearing on behalf of the respondents 1 to 3, to file an additional status report.

5 An additional status report, dated 25.1.2017, had been filed by the third respondent. The additional status report reads as follows :

"2.I submit that this Additional Status Report may kindly be treated as part and parcel of the earlier Status Report filed by me on 09.11.2016 before this Honourable High Court, Madras.

3.I submit that I have examined Ms.Deepa who is college mate of the detenu in the presence of the complainant and recorded her statement. After completion of examination, the complainant stated that he is fully satisfied the investigation done by the respondent police.

4.I submit that I had visited in an around nearby Chennai Seashore areas to trace the detenu with the help of fishermen, but no clue was obtained.

5.I submit that myself and the special team checked un-identified dead bodies photos through "CCTNS PORTAL" Network System and no fruitful information was gathered.

6.I submit that I searched un-identified bodies in Mortuary's located in Chennai along with special team, but no clue was obtained.

7.I submit that though all the efforts taken by the Special Team ended in vain and also I am still taking continuous and sincere steps to trace the missing boy/detenu M.K.Baskar. Once the Detenu/missing boy is traced, he will be produced before this Honourable Court in accordance with law."

6 In such circumstances, we do not find any reason to keep the present Habeas Corpus Petition pending. Hence, we find it appropriate to close the Habeas Corpus Petition. Accordingly, the Habeas Corpus Petition stands closed. However, it goes without saying that the respondents shall continue the investigation and take necessary steps, in accordance with law, to trace the detenu.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk

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To

- 1.The Director General of Police,
Chennai.
- 2.The Commissioner of Police,
Chennai.
- 3.The Inspector of Police,
D6, Anna Square Police Station,
Chennai.
- 4.The Commander,
Coast Guard Region (East),
Head Quarters,
Indian Coast Guard Region (East)
Rajaji Salai, Near Napier Bridge,
Chennai-600 009.
- 5.The Public Prosecutor, High Court, Madras.
- 6 The Joint Secretary to Government
Public (Law & Order)
Fort St. George, Chennai 600 009

+1cc to Mr.B.Rabu Manohar, Advocate, S.R.No.7651

rp(CO)
md(21/02/2017)

H.C.P.No.2189 of 2016

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