



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Monday, the Sixth day of November Two Thousand and Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH

and

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL MP(MD) No.9426 of 2017

IN

HCP(MD) No.1364 of 2017

GOVINDASAMY

... PETITIONER

Vs

1.THE SUPERINTENDENT OF POLICE,
O/O.THE SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
O/O.THE DEPUTY SUPERINTENDENT OF POLICE,
THANJAVUR, THANJAVUR DISTRICT.

3.THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

4.T.ANANADARAJ,
S/O.THARMALINGAM, PALLAR MIDDLE STREET,
NEIVELI VADAPATHI, ORATHANADU TALUK,
THANJAVUR DISTRICT.

... RESPONDENTS

PRAYER IN CRL MP(MD) 9426/2017:

This Petition is filed under 226 of the Constitution of India to accept this affidavit and to recall the order passed by this Honourable High Court in HCP(MD).No.1364/2017 ordered dated on 03/10/2017 and be listed before this Honourable Court.

Prayer in Habeas Corpus Petition(MD) No.1364/ 2017 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to direct the 1st to 3rd Respondents to secure and produce the body of the detinue the petitioners daughter namely G.Parkavi aged about 23 years D/o.Govindasamy before this Honorable Court and set her at liberty.

Order : This petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.S.P.PRABAKARAN,



Advocate for the Petitioner and Mr.C.RAMESH, Additional Public Prosecutor for the respondents 1 to 3 and respondent No.4 neither appeared in person nor an advocate, this Court made the following Order:

Order of the Court was made by **R.SUBBIAH, J.**

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The petitioner is the father of the detenu, viz., G.Parkavi, aged about 23 years, who was missing from 07.08.2017. In this regard, the father of the detenu lodged a complaint before the respondent police. Since, no effective steps were taken to trace out the detenu, the petitioner has come forward with the above Habeas Corpus Petition.

2. When the matter came up earlier on 03.10.2017, the detenu was produced before this Court. On that day, the fourth respondent was also present. But the petitioner was not present. Since a counsel represented the petitioner stating that he has no objection to enquire the detenu in the absence of the petitioner. We enquired the detenu, she has categorically stated that she was not in the illegal custody of the fourth respondent. Further, she expressed her willingness to go along with her husband, namely, the fourth respondent. Accordingly, the Habeas Corpus Petition was closed.

3. Subsequently, it was brought to the notice of this Court that on that day none of the Counsel from the petitioner's office made a representation. One Mr.Sathish Kumar, made a misrepresentation to this Court, as if he was the counsel for the petitioner. When this was brought to the notice of this Court by the learned Counsel appearing for the petitioner by filing a petition to recall the order, once again, notice was issued to the respondent police to produce the detenu again. Accordingly, the detenu was produced before this Court, today.

4. Even today also, on enquiry, in the presence of the petitioner, the detenu expressed her unwillingness to go along with the petitioner. Further, she had stated that she is not in illegal custody of the fourth respondent

5. In view of the statement made by the detenu, there is no need to recall the order passed by this Court on 03.10.2017. Hence, the petition to recall the order is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

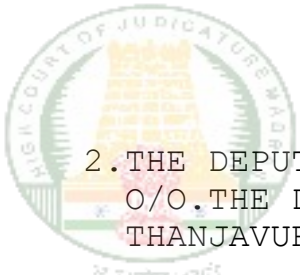
Sub Assistant Registrar

To

<https://hcservices.ecourts.gov.in/hcservices/>

1.THE SUPERINTENDENT OF POLICE,

O/O.THE SUPERINTENDENT OF POLICE, THANJAVUR DISTRICT.



2. THE DEPUTY SUPERINTENDENT OF POLICE,
O/O. THE DEPUTY SUPERINTENDENT OF POLICE,
THANJAVUR, THANJAVUR DISTRICT.

3. THE INSPECTOR OF POLICE,
VATTATHIKOTTAI POLICE STATION,
THANJAVUR DISTRICT.

+1cc to Mr.S.P.PRABAKARAN Advocate in SR. No. 85771

RM

JS/SV.MMS/SAR.2/15.11.2017/3P-5C

ORDER DATED: **06.11.2017**

ORDER

CRL.M.P. (MD) No. 9426 of 2017
IN

HCP[MD] .No.1364 of 2017

GIVING DIRECTIONS ETC.,
AS STATED WITHIN.