



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

H.C.P. (MD) No.1433 of 2017

V.Mary Alphonsal

: Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents 1 and 2 herein to produce the body of detenu namely T.Pauldass, aged about 68 years before this Court and set him at liberty forthwith and entrust him in petitioner's custody.

For Petitioner

: Mr.S.Samuel James Devasagayam

For Respondents

: Mr.A.Ramar for R1 and R2

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, viz., T.Pauldass, aged 68 years. In the affidavit filed in support of the petition, it has been averred that the marriage between the petitioner and her husband/detenu was solemnized on 27.10.1980. Due to the wedlock, the petitioner gave birth to two female children. The detenu was working in TNSTC, Madurai and retired from service. Right from the marriage, her husband's family members, viz., his brothers came to the petitioner's house to grab the salary of the detenu/husband. When the petitioner questioned about the same, they attempted to beat her in the presence of the detenu. They also instigated the detenu to torture the petitioner in several ways. The detenu's brothers' wives were controlling the detenu and preventing him from helping the petitioner and her children. The detenu was working in Southern Railway and as such, she had brought up her two children and gave them in marriage. After the detenu retired from service, he is in the control of his



brothers' family. Further more, the detenu was also not mentally alright. Since he is in the illegal custody of his brothers, she lodged a complaint before the respondent police. Since no effective steps have been taken by the respondent police, the petitioner has filed the present petition.

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2. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the respondents 1 and 2 and the learned counsel for the detenu.

3. When the matter was taken up for hearing on 06.10.2017, the detenu was produced by the respondent police. We enquired the detenu. On enquiry, we felt that he was not in a position to understand the questions put forth by us. His speech was also incoherent. Therefore, we directed the respondent police to produce the detenu before the Psychiatric Department, Government Rajaji Hospital, Madurai, to get a report with regard to his mental status.

4. When the matter was taken for consideration today, a report has been produced by the Government Rajaji Hospital. The report reads as follows:

"Clinical Psychologist's assessment revealed NO MAJOR PSYCHOPATHOLOGY at present."

5. From the report, it could be seen that the detenu is a normal person.

6. Today, when we enquired the detenu, he expressed his unwillingness to go along with the petitioner.

7. In view of the categorical submission made by the detenu, nothing survives for adjudication in this petition, except to close this petition. Accordingly, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Asaram Police Station,
Madurai District



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.S.SAMUELJAMESDEVASAGAYAM, Advocate SR.No. 83123

Order made in
H.C.P.(MD)No.1433 of 2017
Dated: 23.10.2017

RR
JM/GT/SAR 1/14.11.2017/3P/5C