



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

H.C.P. (MD) No.1539 of 2017

Anitha : Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police
Devarkulam Police Station
Tirunelveli District

3. Chinnaraja @ Perisamy : 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 to produce the body or person of detenu/ mother of the Petitioner namely, Kuruvammal, W/o. Ponnusamy, aged 40 years, before this Court and set her at liberty forthwith.

For Petitioner	: Mr. N. Mohideen Basha
For Respondents 1&2	: Mr. C. Ramesh
	Additional Public Prosecutor
For R3	: No Appearance

ORDER

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

The petitioner is the daughter of the detenu, Kuruvammal, aged 40 years. It is alleged in the affidavit that the detenu developed illegal intimacy with the respondent No.3 and the petitioner's father was murdered by the third respondent. Pursuant to which, a case has been registered, wherein, the third respondent and the detenu were arrayed as A1 and A2 and final report has been filed. Finally, the case is taken cognizance in SC No.289/2016 on the file of the IV Additional District & Sessions Judge, Tirunelveli and so far 11 witnesses were summoned and non bailable warrant has been issued against the detenu. Now, it is alleged that the third respondent abducted the detenu and since, her whereabouts were not known, the petitioner preferred a representation to the respondent police. Since no effective steps were taken, the petitioner is before this Court with this petition.



2. When the matter was taken up for hearing, the 2nd respondent has filed a status report, in which, it is stated that the petitioner's mother is arrayed as A2 in Crime No.117/2015 and non bailable warrant is pending against the detenu. In the said case, the third respondent is regularly appearing before the Court. While so, the 2nd accused/detenu failed to appear before the Court from 22.10.2016 and the sureties, who stood for surety for bail, were enquired by the respondent police. Therefore, the Sessions Court directed the Judicial Magistrate to take surety action and the same is pending. It is further stated that suppressing these facts, the petitioner is before this Court with this petition.

3. Keeping the submission on either side, we have carefully gone through the entire materials available on record. It is seen that non bailable warrant is pending against the detenu. The respondent police are also in search of her. Suppressing all these facts, the petitioner has filed the present petition and therefore, the petitioner has not made out a case for illegal detention. Accordingly, the Habeas Corpus Petition fails and the same is dismissed.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police
Devarkulam Police Station
Tirunelveli District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

RR
RL/4C/2P/JC/SAR1/8/1/2018

Order made in
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