



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2017

CORAM:

WEB COPY

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

H.C.P.(MD)No.1796 of 2017

J.Subash Chandra Bose : Petitioner

Vs.

State rep. by

1.The Superintendent of Police,
O/o. the Superintendent of Police
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police
SIPCOT Police Station
Thoothukudi,
Thoothukudi 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 to produce the detenu namely, Titus aged 32 years son of David and Anto aged 31, son of David before this Court and set them at liberty.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondents : Mr.C.Ramesh
Additional Public Prosecutor

ORDER

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

The petitioner is the brother-in-law of the detenu, namely, Titus and Anto aged 32 and 31 respectively. It is averred in the petition that the first detenu was serving as Deputy Pastor at Pentacosthe Church, Millarpuram and the 2nd detenu is running a laptop service centre. On 05.10.2016, the Head Pastor of Millarpuram, namely, Kanagaraaj expired and a case has been registered under Section 174 Cr.P.C. in Crime No.301 of 2016 and the 2nd respondent is investigating the said case. While so, on 21.07.2017, as per the direction of the respondent police, the detenu appeared before the respondent police for enquiry with ~~reference to the~~ death of the Church Pastor. Thereafter, they were released after three days. It is further averred that only in order to fix the accused, the 2nd respondent asked the detenu to



appear before them. On 03.12.2017, the Inspector of Police and others came to the house of the detenu and taken both the detenu along with them. Hence, the petitioner made a representation on 07.12.2017. Since no effective steps were taken, the petitioner is before this Court with this petition.

2. Today, when the matter was taken up for hearing, a status report has been filed. The sum and substance of the report is that on the complaint of one Mr.R.P.Sudharshanam, a case in Crime No.301/2016 was registered under Section 174 Cr.P.C. It is further stated that due to some dispute, the detenu colluded with one Ragu, committed the murder of the Pastor Kanagaraj and on 14.12.2017, on the confession given by Titus to the Pastor Mr.Selvapandian, Millerpuram Church, Thoothukudi, the said Pastor handed over Titus to the 2nd respondent and that on the basis of the confession statement, the respondents police remanded him to judicial custody on 14.12.2017 and subsequently, arrested Anto/2nd detenu on 15.12.2017 and he has also been remanded to judicial custody. It is further stated that the respondent police have also given the arrest intimation to the petitioner herein. Therefore, it is stated that both the detenu are not in the illegal custody. However, even after knowing the arrest of the detenu, the present petition has been filed.

3. In view of the status report, we are of the opinion that nothing survives for adjudication in this petition. Accordingly, this petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police, O/o. the Superintendent of Police Thoothukudi District, Thoothukudi.

2.The Inspector of Police, SIPCOT Police Station Thoothukudi, Thoothukudi District

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

+1CC to Mr.P.T.Ramesh Raja, Advocate, SR.No. 93636

Order made in
H.C.P. (MD) No.1796 of 2017
Dated: 19.12.2017