



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2017

CORAM:

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

H.C.P. (MD) No. 1846 of 2017

John : Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District, Tirunelveli.

2. The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

3. The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

4. The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents to produce the person (or) body of the petitioner's son namely J. Daniel aged about 32 years, S/o. John before this Court and set him at liberty.

For Petitioner : Mr. E. Somasundaram
for Mr. K. Elangovan
For Respondents : Mr. C. Ramesh
Additional Public Prosecutor

ORDER

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



body of the petitioner's son namely, J.Daniel, aged about 32 years, S/o.John, before this Court and set him at liberty.

2.In the affidavit, it has been averred that the petitioner is the father of the detenu namely, J.Daniel, who was found missing from 08.12.2017. Subsequently, the petitioner came to know that the second respondent had illegally detained the petitioner's son/detenu and after filing the present Habeas Corpus Petition, the detenu was remanded by the second respondent.

3. The learned counsel for the petitioner submitted that the petitioner's son/detenu was illegally detained from 08.12.2017 to 20.12.2017 by the second respondent police. He further submitted that the name of the detenu was not mentioned in Crime No.462 of 2017. Hence, he sought for a direction from this Court to direct the learned Judicial Magistrate concerned to take up the bail application and consider the same on the same day. In this regard, the learned counsel for the petitioner has also produced a copy of the order dated 15.06.2017 in H.C.P(MD).No.733 of 2016.

4. Since the detenu was remanded by the second respondent police, there is no scope for further adjudication in the Habeas Corpus Petition. In our considered view, the petitioner has right under the law to move the concerned Magistrate seeking bail. Hence, the petitioner has to work out his remedy before the appropriate forum, not in the present Habeas Corpus Petition.

5.In the result, the Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.



2.The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

3.The Inspector of Police,
Nanguneri Police Station,
Tirunelveli District.

4.The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.

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

+1cc to M/S.K.ELANGO VAN, Advocate SR.No.94411.

Order made in
H.C.P. (MD) No.1846 of 2017
22.12.2017

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SDS/SV:MMS/SAR 1/22.12.2017/3P/7C