



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

H.C.P. (MD) No.402 of 2017

and

CrI.M.P. (MD) Nos.2287 and 2288 of 2017

M.Mariyammal

: Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the Secretary,
Department of Home Secretariat,
Chennai.

2.The Director of General of Police,
Tamil Nadu Government,
Police Head Quarters,
Chennai.

3.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.

4.The Superintendent,
Kovilpatti Sub Jail,
Thoothukudi District.

5.The Inspector of Police,
Kovilpatti West Police Station,
Madurai.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents to produce the body of petitioner's son Chennaraja, S/o.Late.Muthupandi Thevar, aged about 28 before this Court, who was remanded by Judicial Magistrate No.II, Kovilpatti, in Crime No.76 of 2017 on the file of the fourth respondent dated 20.02.2017 before this Court and set him at liberty.

For Petitioner

: Mr.R.Venkatesan

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

For Respondents

: Mr.C.Mayil Vahana Rajendran,
Additional Public Prosecutor



ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

According to the petitioner, her son Chennaraja was illegally detained by the police at 07.00 a.m., on 20.02.2017, in connection with which, the petitioner herein gave a representation on the same day at 01.00 p.m., from the High Court Post Office. After giving the representation, the petitioner filed the Habeas Corpus Petition in H.C.P.(MD)No.253 of 2017 before this Court on the same day, viz., 20.02.2017 and when the matter came up for hearing, it was brought to the notice of this Court that a case in Crime No.76 of 2017 was registered on 20.02.2017 against the petitioner's son Chennaraja for offences under Sections 341, 294 (b), 506(ii) and 397 of the Indian Penal Code and he was produced before the Jurisdictional Magistrate, who, in turn, has remanded him to judicial custody. Recording the same, H.C.P.(MD)No.253 of 2017 was closed. Thereafter, the petitioner filed the present Habeas Corpus Petition alleging that her son Chennaraja was illegally detained by the police and he was subjected to torture.

2. The fact remains that there are 23 cases against the petitioner's son Chennaraja and that he has now been detained under the Goondas Act. It is also brought to the notice that on the directions of this Court, the Secretary of the District Legal Services Authority has recorded the statement of the detenu-Chennaraja and had submitted the same before this Court.

3. The learned counsel for the petitioner submitted that this Court should place strong reliance on the said statement and award compensation in favour of the petitioner.

4. In the considered opinion of this Court, the statement *per se* cannot amount to substantive evidence for this Court to act upon in a Habeas Corpus Petition. That apart, the fact remains that the detenu is in legal custody, inasmuch as he has been remanded by a competent Magistrate and thereafter, he is now a detenu under the Goondas Act. Under such circumstances, when the remand is legal as on today, the present Habeas Corpus Petition is not maintainable and accordingly, the same is dismissed, however, with liberty to the petitioner to work out her remedies in the manner known to law. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(C)

/True Copy/

Sub-Assistant Registrar



To

1. The Secretary,
State of Tamil Nadu,
Department of Home Secretariat,
Chennai.
2. The Director of General of Police,
Tamil Nadu Government,
Police Head Quarters,
Chennai.
3. The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
4. The Superintendent,
Kovilpatti Sub Jail,
Thoothukudi District.
5. The Inspector of Police,
Kovilpatti West Police Station,
Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

RL/7C/3P/MR/5.5.2017

Order made in
H.C.P. (MD) No.402 of 2017

Dated:
25.04.2017