



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P(MD)No.776 of 2017

S.Kalilahamed Sahip

.. Petitioner

Vs.

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

2. The Inspector of Police,
South Gate Police Station,
Madurai District.

3. Mohamed Sikkandar

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the respondents to produce the body and person of the petitioner K.Ashrab Ahmed S/o. S.Kalilahamed Sahip aged about 6 years before this Hon'ble Court and set him at liberty and hand over the custody to the petitioner.

For Petitioner : Mr.R.Venkatesan

For R1 and R2 : Mr.T.Mohan,

Additional Public Prosecutor

For R3

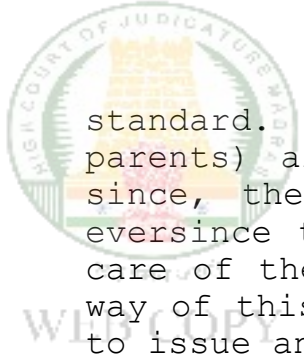
: Mr.D.S.Haroon Rasheed

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

This petition has been filed by the father of the detenu, alleging that the detenu has been kept by the third respondent, who is none other than the father-in-law of the petitioner.

2.The detenu is a six year old boy. The respondent police produced the detenu along with the third respondent before us. We questioned the third respondent and we also spoke to the minor child, who appears to be happy and cheerful and he is in the first



standard. The third respondent and his wife (maternal grand parents) are stated to have been taking care of the minor child, since, the mother of the detenu is no more and it appears that ever since the child was born, the third respondent has been taking care of the child. We do not wish to disturb the said position by way of this Habeas Corpus Petition. Therefore, we are not inclined to issue any direction in this petition.

3. Accordingly, the Habeas Corpus Petition is dismissed. However, it is open to the petitioner to move the appropriate Court, if so advised.

Sd/-
Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
South Gate Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.R.VENKATESAN, ADVOCATE IN SR No. 60128
+ 1 CC TO Mr.D.S.HAROON RASHEED, ADVOCATE IN SR No. 60132

MR

TE/KKR/SAR-II : 22/06/2017 : 2P/6C

ORDER MADE IN
H.C.P(MD) No.776 of 2017
14.06.2017