



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 09.06.2017

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

H.C.P(MD)No.819 of 2017

Pothumponnu

: Petitioner

Vs.

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

2.The Inspector of Police,
Kallakudi Police Station,
Kallakudi,
Lalkudi Taluk,
Trichy District.

: Respondents

Prayer: This Habeas Corpus 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 of the detenu Rajendran, Son of Marimuthu, aged about 32 years, before this Court and set him at liberty along with costs and compensation.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.C.Ramesh,
Additional Public Prosecutor

ORDER

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

Heard Mr.S.Radhakrishnan, learned counsel for the petitioner and Mr.C.Ramesh, learned Additional Public Prosecutor, appearing for the respondents.

2.This habeas corpus petition has been filed by the wife of the detenu, seeking to produce him before this Court.



3. It is not in dispute that the detenu as of now, has been arrested by the second respondent and confined in Central Prison, Trichy, in connection with crime No.320 of 2001 for the offences under Sections 147, 148, 324, 307, 332, 302 of I.P.C. and Section 9(1)(B) of Explosive Substances Act.

4. The contention raised by the learned counsel for the petitioner is that the detention is illegal, because, at that time, when the alleged occurrence took place, the detenu was a minor.

5. The learned Additional Public Prosecutor submitted that the trial has been completed in S.C.No.112 of 2006 on the file of the Additional District and Sessions Court (Fast Track Court No.2), Trichirappalli and the detenu was treated as absconding accused and therefore, the trial was split up and the Court tried the offences as against other accused. It is only now the detenu has been secured and has been arrested and remanded to judicial custody.

6. In the light of the above facts, we find that the detention of the detenu in the Central Prison, Trichirappalli is not an illegal detention. But, it is a case of remand to judicial custody. Therefore, it is for the accused to move the regular Court for bail and the question as to whether the detenu was a minor at the time of commission of the alleged offence is also a defence that could be raised before the competent Court and to be decided by the competent Court and not in this HCP.

7. Thus, the relief sought for is misconceived and the petition is dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

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

2. The Inspector of Police, Kallakudi Police Station,
Kallakudi, Lalkudi Taluk, Trichy District.

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

+One cc to Mr.S.Radhakrishnan, Advocate, SR.No.59529

Arul/dsk

<https://hcservicescourts.gov.in/cslmcs/> SAR1/16/6/2017

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