



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2017

CORAM:

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

H.C.P (MD) No.85 of 2017

Billi Graham

.. Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District

2.State rep. by the
The Inspector of Police
Kulasekarapattinam Police Station,
Kulasekarapattinam
Thoothukudi District

3.Annapackiyam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to direct the respondents to produce the body or detenu namely, Sudhakaran Hutsan, S/o.Billigraham aged about 4 years before this Court and to hand over the custody to the petitioner.

For Petitioner : Mr.S.Lingarasu
For Respondents 1&2 : Mr.T.Mohan
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by P.N.PRAKASH,J]

The case of the petitioner is that his minor Son Sudhakaran Hutsan, aged 4 years is in the illegal custody of his mother-in-law Annapackiyam and for his production, this Habeas Corpus Petition has been filed.

2.Today, when the matter was taken up for hearing, Ms.Sudha Pon Leela, the wife of the petitioner is present before this Court along with the detenu.



3. The learned Additional Public Prosecutor, on instructions, submitted that the child is in the custody of his mother and not in the custody of the grandmother as alleged in the petition. He further submitted that the wife of the petitioner has filed matrimonial proceedings in IDOP No.6/2013 before the District Court, Ramanathapuram District against the petitioner herein.

4. In view of the above, we are of the view that it is not a case, where the child is in the illegal custody warranting issuance of habeas corpus. Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District
- 2.The Inspector of Police
Kulasekarapattinam Police Station,
Kulasekarapattinam
Thoothukudi District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+One cc to Mr.S.lingarasu, Advocate, SR.No.54535

RR

RL/5C/2P/RSK/11.5.2017

ORDER MADE IN
H.C.P (MD) No.85 of 2017

26.04.2017