

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2075 of 2017

P.Ramesh Kumar
S/o.Ponnusamy
Petitioner

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- Vs -

1.The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.

2.M/s.Miracle Foundation,
No.306/42, Ottraivadai Street,
Puzhal, Chennai.

3.Hemant Kumar
S/o.Kulandaisamy
[R3 impleaded as per the order of this Court
dated 04.12.2017 in CrI.M.P.No.15269/2017
in H.C.P.No.2075 of 2017]

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Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue of Writ of Habeas Corpus directing first respondent to produce the body of petitioner brother P.Kulanthaisamy S/o.Ponnusamy, aged about 53 years, at No.50, Gowdiyammat RD, Royapettah, Chennai - 600 014 before this Court and set him at liberty.

For Petitioner : Mr.S.Gunasekar

For Respondents : Mr.B.Arulmozhi Maran
Government Advocate [CrI.side]

[R1]

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

This Habeas Corpus Petition has been filed by petitioner seeking a direction to first respondent to produce the detenu viz., P.Kulanthaisamy S/o.Ponnusamy, before this Court and set him at liberty.

2. Heard learned counsel for petitioner and learned Government Advocate [Crl.side] for first respondent and learned counsel for third respondent.

3. We have deliberated with the detenu, his wife as also two major sons over several hearing dates. Today, we have interacted with the detenu, his wife and two sons as also elder and younger brother of the detenu. Dr.V.Sabitha, Associate Professor of Psychiatry, Institute of Mental Health, Chennai - 10, has also been present and we have interacted with her. From our interaction with Dr.V.Sabitha, we gather that immediate treatment of the detenu P.Kulanthaisamy S/o.Ponnusamy, is necessary and as an inpatient at hospital. As on earlier occasions, the detenu again has informed of much ill-treatment at the hands of his wife and children and of not being provided food. Mr.P.Chinnadurai, elder brother as also Mr.P.Ramesh Kumar, younger brother, of the detenu have informed that owing to one of the sons of the detenu having developed kidney ailment, the wife and children initially took up residence at Vellore and thereafter at Thrissur about 12 years back and kidney transplantation also was done and from such time, differences arose between the detenu and his wife. Both brothers of the detenu informed that their entire family is fairly affluent and the detenu has been provided neither food nor finances by the wife and children.

4. We are of considered view that the detenu as also his family members would benefit from the detenu receiving appropriate treatment and accordingly, direct first respondent, the Inspector of Police, M-3 Puzhal Police Station, Chennai, to safely escort the detenu and produce him before the Director, Institute of Mental Health, Kilpauk, Chennai - 10. The Director is directed to admit P.Kulanthaisamy S/o.Ponnusamy as an inpatient and provide him necessary treatment. It will be for the hospital authorities to determine the period during which

the detenu P.Kulanthaisamy S/o.Ponnusamy is to be treated as an inpatient as also the nature of follow-up treatment. We have informed Mrs.K.Kavitha, wife of detenu, as also the sons of the couple, who are now major, that they are to provide for and extend a helping hand to the detenu as best they can in the best interest of all.

With the above observation and direction, the Habeas Corpus Petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director,
Institute of Mental Health,
Kilpauk, Chennai - 10.
- 2.The Inspector of Police,
M-3 Puzhal Police Station,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2075 of 2017

mr(co)
nr 15/03/2018

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