

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 510 OF 2018

S.Revathi

.. Petitioner

- Vs -

1. The Senior Superintendent of Police
(Law & Order)
Puducherry State, Puducherry.
2. The Superintendent of Police (East)
Puducherry North, Puducherry.
3. The Inspector of Police
Grand Bazaar Police Station
Puducherry.
4. K.Bala Baskar
5. K.Arumugam

.. Respondents

Petition filed for the issuance of a writ of habeas corpus to direct the respondents 1 to 3 to secure and produce the detenu, viz., Soudagaran Varadappa, aged about 35 years, before this Hon'ble Court and set him at liberty.

For Petitioner : No Appearance

For Respondents : Mr. D.Bharatha Chakravarthy,
PP (Pondy) for RR-1 to 3
No Appearance for RR-4 & 5

ORDER

(DELIVERED BY DR. S.VIMALA, J.)

The present habeas corpus petition has been preferred by the petitioner for a direction on the respondents 1 to 3 to secure and produce the detenu, Soudagaran Varadappa before this Hon'ble Court and set him at liberty.

2. It is seen from the affidavit that the detenu was an employee of Puducherry Government Service in the Public Works Department. Out of the said wedlock, a child was born on 9.10.2005. After the marriage, the petitioner was driven out the matrimonial house. Therefore, the petitioner filed HMOP No.7/2010, on the file of the Family Court, Cuddalore. The detenu, viz., the husband of the petitioner, also filed HMOP No.41/2010 to dissolve the marriage. As against the result of the above petitions, appeals were filed, which are pending on the file of the Principal District Court, Cuddalore. Further, it appears that the Principal District Judge, Cuddalore, directed the petitioner and the detenu/her husband to go for counselling and during counselling, the husband/detenu has promised to take back the petitioner and their son back. In such a backdrop, when the petitioner tried to contact her husband, the detenu, he was not picking up the mobile phone and, thereafter, he is stated to be missing. In the above circumstances, a complaint has been lodged before the concerned authorities.

3. When the matter is taken up today, a status report has been filed by the Public Prosecutor (Puducherry), in which the details of the places visited by the Special Crime Team for locating the detenu has been listed out. The period of search ranges from 8.2.16 to 16.7.18. However, it is further submitted that the respondents are still not able to trace out the detenu.

4. From the above, it is evident that the detenu is a Government servant and is also facing matrimonial proceedings before the concerned Family Court. In such circumstances, after careful analysis of the status report, this Court is of the considered view that efforts are being made by the respondents to locate the detenu and, therefore, no purpose will be served in keeping the habeas corpus petition on file.

5. Accordingly, this habeas corpus petition is closed with a direction to the respondents to continue with the investigation and with a further direction to the respondents to keep the petitioner informed of the progress of the investigation as also the whereabouts of the detenu as and when he is traced.

6. With the above observations and directions, this habeas corpus petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

GLN

To

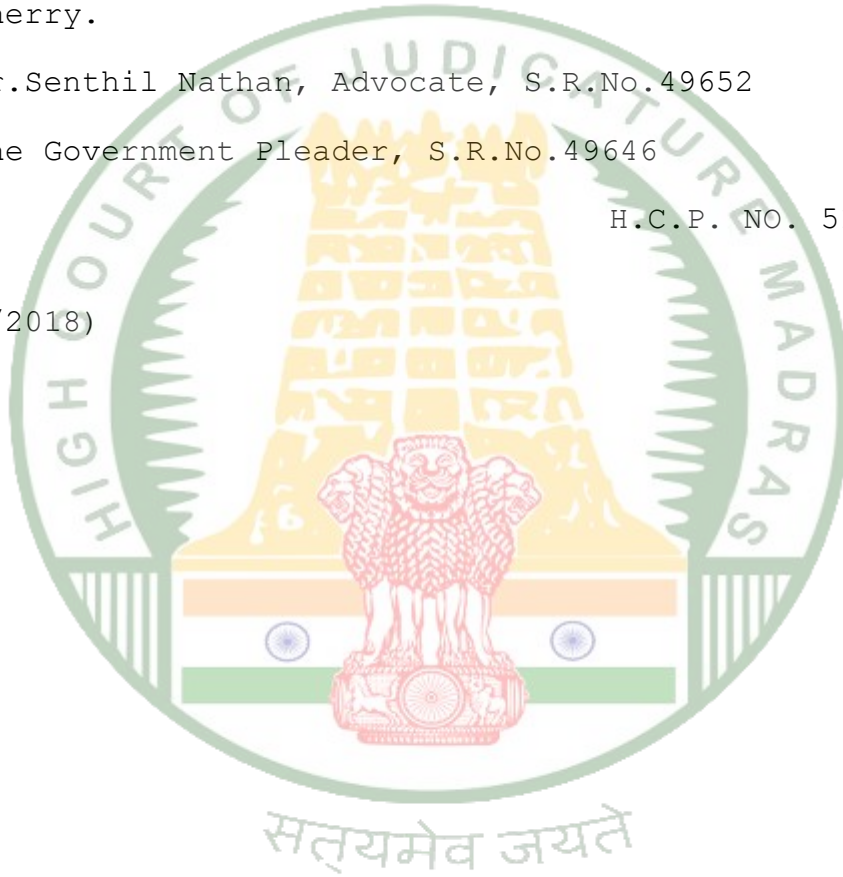
1. The Senior Superintendent of Police
(Law & Order)
Puducherry State, Puducherry.
2. The Superintendent of Police (East)
Puducherry North, Puducherry.
3. The Inspector of Police
Grand Bazaar Police Station
Puducherry.

+1cc to Mr.Senthil Nathan, Advocate, S.R.No.49652

+1cc to the Government Pleader, S.R.No.49646

H.C.P. NO. 510 OF 2018

NMI (CO)
GSP (25/09/2018)



WEB COPY