IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. No.553 of 2018

A.Barakathullah ... Petitioner

-Vs-

1.State rep. By
The Inspector of Police,
Katpadi Town Police Station,
Katpadi, Vellore District.

2.K.Sivasankaran

3.S.Devaki

4.S.Gowri Shankar

5.Ezhikya Gowri ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 1st respondent to produce the body of petitioner's Wife Sivasakthi @ Shyna, aged about 34 years before this Hon'ble Court and set her at liberty.

For Petitioner : Mr.Hasan Mohammed Jinnah

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor (R1)

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ORDER

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

Petitioner, who is the husband of the detenue, namely, Sivasakthi @ Shyna, aged 34 years, seeks production of his wife.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for first respondent.

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3. Today, the detenue viz., Sivasakthi @ Shyna, has been produced by the first respondent from her parental home at Katpadi, Vellore District. She submits that she indeed had married the petitioner as claimed by him, but the fact of her having undergone conversion from being a Hindu to a Muslim was not to her knowledge and did not involve any voluntary act of hers. She submits that she has filed a divorce petition in H.M.O.P.No.36 of 2018. Petitioner submits that she does not wish to revive the matrimonial tie and chooses to be in the care and custody of her parents.

4. In the above circumstance, we are unable to accept the request of learned counsel for petitioner that the matter be posted to some other date since the petitioner is in Dubai and will appear before us on such date. This Habeas Corpus Petition shall stand closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kmi

To:
1.The Inspector of Police,
Katpadi Town Police Station,
Katpadi, Vellore District.

2.The Public Prosecutor
High Court, Madras.

+1cc to Mr.A.DAMODARAN, Advocate, S.R.No. 23290

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VG II(CO)
TR(28/06/2018)

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