

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE Dr. JUSTICE S.VIMALA
AND
THE HON'BLE MRS. JUSTICE S.RAMATHILAGAM

Habeas Corpus Petition No.727 of 2017

R.Vijaya ... Petitioner /
Wife of the detainee
versus

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District
2. The Inspector of Police,
Singarapettai Police Station,
Krishnagiri District
3. Elangovan ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a direction to direct the second respondent herein to produce the body and person of the detainee, by name, Ramamoorthy, Son of Venkatraman, aged about 48 years, before this Court and to set him at liberty.

For Petitioner : Ms. R.Divya

For Respondents: Mr. R.Prathap Kumar, APP., for R-1 & R-2.
Mr. R.Marudhachalamoorthy, for R-3.

O R D E R

(Order of the Court was made by S.Vimala, J.,)

This petition has been filed by the petitioner / wife of the detainee seeking to produce her husband, the detainee, by name, Ramamoorthy, Son of Venkatraman, aged about 48 years.

2. Heard the learned counsel appearing for both sides.

3. According to the petitioner, the husband, who went to work under the third respondent did not return back and therefore the respondents 1 and 2 must be directed to investigate the case.

4. Based on a complaint from the petitioner, the first respondent has registered a case in CSR No.76 of 2017 and later on, a case under man missing has been registered in Crime No.137 of 2017.

5. The first respondent has filed a status report, in which the steps taken by the Police to trace out the detainee have been explained in detail.

6. The learned counsel appearing for the third respondent would submit that the petitioner's husband who was employed under the third respondent, after finishing his works, returned back to his home and therefore, the question of illegal detention does not arise.

7. A perusal of the records produced would reveal that the statement of nine co-workers of the detainee have been recorded, under which, the co-workers have uniformly stated that the detainee, after finishing his works under the third respondent, has returned back to his home.

8. In such circumstances, the respondents 1 and 2 are directed to continue the investigation of the case, which was registered under 'man missing' and in the event of progress in the investigation or whenever the detainee is traced out, inform the result of the investigation to the petitioner.

9. With the above directions, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Superintendent of Police, Krishnagiri,
Krishnagiri District
2. The Inspector of Police, Singarapettai Police Station,
Krishnagiri District
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. K. Barudhachalamurthy, Advocate Sr.40313

H.C.P.No.727 of 2017

GJII(CO)
EU(13/07/2018)

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