



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.02.2018**

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

HCP [MD].No.80 of 2018

T.Jancyrani

: Petitioner

Vs.

1. The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, New Natham Road,
Madurai.

2. The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

3. The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.

4. The Inspector of Police,
Central Police Station,
Thoothukudi District.

5. The Inspector of Police,
Taluk Police Station,
Tiruchendur,
Thoothukudi District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents to produce the person or body of the detenu by name J.Thangadurai, son of Jeyapal, aged 41 years, before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.C.Ramesh,
Additional Public Prosecutor

ORDER

[Order of the Court was made by **S.VIMALA, J**]

<https://hcservices.ecourts.gov.in/hcservices>
This petition has been filed by the wife seeking direction to the respondents to produce the detenu/her husband, by name J.Thangadurai, son of Jeyapal, aged about 41 years.



2. In the affidavit filed in support of the petition, it is stated that the detenu is an accused in various cases and was granted bail in C.C.Nos.218 of 2014, 219 of 2014 and 250 of 2014, by the learned Judicial Magistrate, Thiruchendur. It is also alleged that thereafter two police officials from the State of Andrapradesh came and informed the petitioner that the detenu is detained in the Andrapradesh Prison in connection with the offences committed by him. The detenu had been released from Andrapradesh prison, on completion of six months imprisonment, which was the sentence imposed by the concerned Court. Thereafter, the detenu had been arrested in connection with a case on the file of the Nungampakkam police Station and released after three days. Even according to the affidavit, a general allegation is made that the officials illegally detained the detenu/husband, as the detenu/husband did not visit the house for the last three years.

3. The learned Additional Public Prosecutor submitted that at least in 19 cases, warrant is pending.

4. From the facts and circumstances, the conclusion is inevitable that in order to escape from the clutches of law, the detenu is making himself not available to the Court and in the absence of any allegation regarding illegal detention, the question of seeking production of the body of the detenu does not arise for consideration. It is for the prosecuting officials to execute the warrant and to ensure the presence of the accused for facing the trial. When there is possibility of tracing the accused by executing the warrant, the Habeas Corpus Petition cannot be entertained and this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
Office of the Inspector General of Police,
South Zone, New Natham Road,
Madurai.
2. The Superintendent of Police,
Office of the Superintendent of Police,
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3. The Inspector of Police,
Kalakadu Police Station,
Tirunelveli District.



4. The Inspector of Police,
Central Police Station,
Thoothukudi District.

5. The Inspector of Police,
Taluk Police Station,
Tiruchendur,
Thoothukudi District.

6. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

LS/RR

VB/SKN/RSK/SAR2/28.02.2018/3P/7C

**ORDER MADE IN
HCP [MD] .No.80 of 2018
13.02.2018**