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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:21.02.2018

Coram :-

THE HON'BLE DR.JUSTICE S.VIMALA
and
THE HON'BLE MRS.JUSTICE T.KRISHNAVALLI

Habeas Corpus Petition No.1440 of 2017

Veerapathiran ... Petitioner

-vs-

1.The State rep. By
The Superintendent of Police
Madurai City, Madurai.

2.The Inspector of Police
Samayanallur Police Station,
Madurai District ... Respondents

Prayer: Writ petition under Article 226 of the Constitution of India is filed praying for issuance of a writ of Habeas Corpus, to direct the respondents 1 and 2 to produce the body or corpus of petitioner's father namely, Velu, aged about 63 years, S/o.Alagu, residing at D.No.3/85, Main Road, Samayanallur, Madurai District, before this Court by securing him and set him at liberty forthwith.

For petitioner : Mr.K.Ramanathan
For respondents : Mr.C.Ramesh
Addl. Public Prosecutor

O R D E R

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

This petition has been filed by the petitioner/son seeking a direction to produce his father/detenu, namely, Velu, aged 63 years before this Court and set him at liberty.

2. According to the petitioner, his father was found missing from 18.05.2017 and a complaint has been lodged before the 2nd respondent police and a case has been registered in Crime No.365/2017 for 'man missing'. In the complaint, it is stated that for some years, his father was suffering from mental illness and he went out of the house on the pretext of going to the shop and thereafter he did not return. Since no effective steps were taken, he is before this Court with this petition.

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3. The second respondent has filed a status report. In the said report, it is elaborately stated as to nature of the steps

taken to find out the missing person. The respondents have enquired all the Homes, mental hospitals, after giving necessary advertisement in the TV channels as well as in the local newspapers. It is also stated in Paragraph No.4 of the affidavit that the missing detenu is not the biological father of the petitioner as contended by him and the petitioner herein is the adopted son and no legal procedure has been followed for adoption. The biological father of the petitioner is one Mr.Karuppanan and his mother Ms.Jeyakodi. It is also stated that a delay of three months in preferring the complaint is an impediment for the respondents to continue the investigation. The medical records collected by the respondents would disclose that the detenu was diagnosed as Chronic Schizophrenia, who had exhibited delusive of persecution with hallucinatory behaviour and tend to be violent at times. It is also stated that there is a constant look out for the detenu and he will be located, after some steps being put in.

4. The learned Additional Public Prosecutor would submit that the respondent police will continue the investigation and as and when any information comes, it would be communicated to the petitioner herein.

5. Recording the said undertaking given by the Additional Public Prosecutor, this Habeas Corpus Petition is closed with a direction to the respondents to communicate the petitioner the progress of investigation as well as any information regarding the availability of the detenu.

Sd/-
Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To
1.The Superintendent of Police
Madurai City, Madurai.

2.The Inspector of Police
Samayanallur Police Station,
Madurai District

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

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