

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.334/2019

M.Mahendar

.. Petitioner

vs.

The State rep.by
The Inspector of Police
M3, Puzhal Police Station
Chennai-66.

.. Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus directing the respondent to produce the detenu namely Ravindran, male, son of Mayandi, aged about 26 years, bodily in person before this Court and set the detenu at liberty.

For Petitioner .. Mr.S.Gowsik Sundar

For Respondent .. Mr.C.Iyyappa Raj, APP

ORDER

(Order of the Court was made by M.SATHYANARAYANAN, J)

The petitioner is the brother of the detenu, viz., M.Ravindran, son of Mayandi, aged about 26 years and according to him, his brother-detenu herein was arrested in connection with RR.No.9/2017 registered by the Directorate of Revenue Intelligence, Chennai and was remanded to judicial custody on 04.08.2018 by the Court of I Additional Special Judge, Narcotic Drugs and Psychotropic Substance Act, Chennai, and later on, was enlarged on bail on 05.02.2019 and he has also furnished sureties and while he was coming out of the Central Prison, Puzhal, on 06.02.2019 at about 9.30 hours, he was picked up by somebody else and taken away in a car and the petitioner, who was said to have been present on that day, had also witnessed the said incident and despite the contents of the complaint disclose the commission of cognizable offence, no CSR has been issued to him. The petitioner, being the brother of the detenu

is concerned about his whereabouts and well being and hence, came forward to file the present petition.

2 The Habeas Corpus petition was listed for admission on 12.02.2019 and it was entertained and Mr.R.Prathap Kumar, learned Additional Public Prosecutor accepted notice and when the matter was listed on 18.02.2019, it was represented by the State that the detenu is in the custody in pursuant to the order of remand and therefore, this Court directed the State to produce necessary material.

3 Today, when the matter is called, the learned Additional Public Prosecutor appearing for the State produced the Communication/Fax Message of the Directorate of Revenue Intelligence, Mumbai Zonal Unit dated 14.02.2019, as to the valid order of remand and custody of the detenu.

4 At that juncture, the learned counsel for the petitioner, on instructions, seeks permission of this Court to withdraw this petition, with a liberty to work out his remedy before the Court of competent Jurisdiction and also made an endorsement in the petition to that effect.

5 In view of the endorsement made, this petition is dismissed as withdrawn, granting liberty to the petitioner to work out his remedy in accordance with law if so advised, before the competent Court of jurisdiction.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

AP
To

1. The Inspector of Police
M3 Puzhal Police Station
Chennai-66.
2. The Public Prosecutor,
Madras High Court, Madras.
3. The Directorate of Revenue Intelligence,
Mumbai Zonal Unit, Mumbai.

+1 cc to Mr.S.Gowsik Sundar, Advocate, S.R.No.16208

H.C.P.No.334/2019

SSI (CO)
SSM(09/04/2019).