

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No.1364 of 2018

K.Poobalan ... Petitioner/Uncle of the Detenu

-vs-

1.The Superintendent of Police,
Vellore District,
Vellore.

2.The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

3.Jayanthi ... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondents 1 and 2 to secure the detenu Seenan, Son of Appapaiyan, aged 78 years, now confined in the hands of the third respondent herein and produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.R.Prathap Kumar
: Addl. Public Prosecutor for
R1,R2

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ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

Alleging that the detenu has been missing presumably due to the act of the third respondent, the present Habeas Corpus Petition has been filed by the petitioner, who is the son-in-law.

2. In the earlier status report filed on 08.04.2019, the following statement has been made:-

"(vi) On investigation, it was revealed that the 3rd respondent/Tmt.Jayanthi preferred a complaint against the Petitioner and based on which a case was registered in Vellore Taluk PS Crime No.138/2014 u/s 341, 509 IPC r/w 4 of TNPWH Act dated 23.03.2014. Against which the petitioner preferred a complaint against Tmt. Jayanthi/3rd respondent, for which a case was registered in Vellore Taluk PS Crime No.139/2014 dated 23.03.2014 u/s 451,506(i) IPC & SC/ST Act.

Both the cases were tried before the trial Court, vide C.C.No.540/2014 and the same is pending for trial and the next hearing date is 09.04.2019 and Spl.S.C.No.1/2015 and the said Spl.S.C.No.1/15 was acquitted by its Judgment dated 02.07.2018 by the Learned Principal Sessions Judge, Vellore respectively.

Due to the prior enmity the Petitioner only suspected the third respondent in this case, but the 3rd respondent, while on enquiry, she has stated that she doesn't know anything about the Detenu and the whereabouts of him."

3. This Court, directed the second respondent to file a fresh status report. Accordingly, fresh status report dated 01.10.2019 has been filed. The following are the relevant paragraphs in the status report filed:-

"13. I submit that during my investigation with the Detenu's brothers namely Tr.Mani, Tr.Annamalai and Sister Tmt.Rathinammal and Village Panchayatar Tr.Gopal, they stated that the Detenu had mentally dis-order person and in several times, the Detenu left from his house and after that he returned back to house brought by some other persons of neighbour village. But, the Defacto complainant suppressed the above said facts in his complainant. During the course of investigation, I came to know that the Detenu was not kidnapped by any suspected persons.

14. I submit that I along with my Special Team have been taking our sincere and effective steps in order to trace the Detenu Seenan. I am

still taking continuous and sincere steps to trace them, by making our best possible efforts. As soon as I trace him, he will be produced before this Honourable Court in accordance with law."

4. In the light of the above, we do not find any illegal detention involved nor the alleged involvement of the third respondent. Thus, the Habeas Corpus Petition stands closed. However, we direct the second respondent/Police to continue the investigation and take all the efforts to secure the detenu. As and when the detenu is secured, he should be produced before the jurisdictional Magistrate.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Vellore District,
Vellore.

2.The Inspector of Police,
Vellore Taluk Police Station,
Vellore District.

3.The District Magistrate,
Vellore.

4.The Public Prosecutor,
High Court, Madras.

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