

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.07.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

H.C.P.No.1757 of 2018
and
Crl.M.P.Nos.14524 and 14528 of 2018 and 7657 of 2019

M.Vijay

.. Petitioner

Vs

1.The Inspector of Police,
All Women Police Station,
Attur, Salem District.

2.Venkatachalam
3.Eashwari
4.V.Brundha

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the first respondent to produce the body of petitioner's minor son Kavin Vidharth Vijay, aged 3 years before this Court and handover him to the custody of the petitioner herein.

For Petitioner .. Mr.R.Shanmugasundaram,
Sr. Counsel
for Mr.S.Jeyakumar

For Respondents.. Mr.C.Iyyappa Raj,
Addl. Public Prosecutor for R1
Mr.B.Vijay for R2 & R3
No appearance for R4

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ORDER

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

Seeking a direction to the first respondent to produce the body of petitioner's minor son Kavin Vidharth Vijay, aged 3 years before this Court and handover him to the custody of the petitioner herein, the present habeas corpus petition has been filed.

2.After making submissions for quite some time, learned senior counsel appearing for the petitioner submits that the issue raised need not be gone into in this proceedings and suffice it to direct the II Additional District Judge, Salem to dispose of the original petition in G.O.P.No.25 of 2019 within a reasonable time. Learned counsel appearing for respondents 2 and 3 does not have any serious objection for the same.

3.In view of the above, the learned II Additional District Judge, Salem is directed to dispose of G.O.P.No.25 of 2019 finally on or before 14.08.2019. The parties are directed to co-operate for the same. We make it clear that the II Additional District Judge, Salem shall not entertain any interlocutory application to be filed by the parties in the meanwhile. Thus, all the issues including the issue of maintainability of the petition, jurisdiction and on merits will have to be decided in the said G.O.P. We also make it clear that the respondents shall continue to give necessary medical treatment to the child as and when necessary.

4.With the above observation and direction, the habeas corpus petition stands disposed of. In view of the disposal of this habeas corpus petition, the interim order already granted will not survive any longer. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

mmi

To

1.The II Additional District Judge, Salem.

2.The Inspector of Police,
All Women Police Station,
Attur, Salem District.

3.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Jayakumar, Advocate, S.R.No.54344

+5ccs to Mr.B.Vijay, Advocate, S.R.No.55332

H.C.P.No.1757 of 2018

MP (CO)

RRS (04/07/2019)