

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01..07..2019

CORAM

THE HONOURABLE MR JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

HABEAS CORPUS PETITION NO.760 OF 2019

K.Fasiunnisa

... Petitioner

-Versus-

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Vellore - 632 009.
- 2.The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Vellore 632 009.
- 3.The Inspector of Police,
O/o The Inspector of Police,
Sathuvacherry Police Station,
Sathuvacherry,
Vellore 632 006.
- 4.Mr.A.Y.S.Huque,
- 5.Mrs.Ashrapunisha

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 3rd respondent to produce the detenu - H.Mohammed Asif, (Husband of the petitioner), aged 39, who is possibly under illegal detention of the respondents 4 and 5 and set him at liberty.

For Petitioner : Mr.P.K.Ganesh

For Respondents : Mr.C.Iyyapparaj,
APP for RR1 to 3

Mr.E.Kannadasan for R4 & R5

ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

Both the petitioner and the 4th respondent, who was the father in law of the petitioner, are present. We have heard the parties.

2. It appears that the detenu, who is the husband, has since remarried and living abroad with three children. In such view of the matter, we do not find any illegal detention involved. However, there is a young girl child born to the petitioner through the wedlock with the detenu.

3. On a query, the 4th respondent has submitted that a sum of Rs.6,000/- (Rupees Six Thousand only) will be deposited in the Savings Account of the minor child - M.A.SAKEENA, aged 11 years. Therefore, we are inclined to dispose of the petition in the following terms:-

(i) The petitioner is at liberty to open a savings bank account in the name of her child represented by her so that she can operate the account for the betterment and maintenance of the child.

(ii) The amount, as directed above, will have to be deposited in the savings bank account every month starting from July, 2019 on or before 7th of every month.

(iii) For the month of July, 2019 alone, the amount shall be deposited within a period of one week from the date of opening of the savings bank account and after due intimation by the petitioner's counsel to the counsel for the 4th respondent.

(iv) Apart from the deposit of the amount as directed above, the 4th respondent shall also pay a further amount to the minor child to meet out the other expenses such as Educational expenses, etc., as and when they arise. Such expenses will have to be intimated by the petitioner to the 4th respondent. On such intimation, due steps will have to be taken by the 4th respondent. We do not want to quantify the other expenses as we hope and trust the 4th respondent would seriously take care of the child as assured by him and the counsel for the 4th respondent. We also note that the statements of the counsel for the 4th respondent and the 4th respondent have been made on behalf of the detenu.

4. In the result, this Habeas Corpus Petition is disposed of accordingly with the above directions.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The Superintendent of Police,
O/o The Superintendent of Police,
Vellore - 632 009.
- 2.The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Vellore 632 009.
- 3.The Inspector of Police,
O/o The Inspector of Police,
Sathuvacherry Police Station,
Sathuvacherry,
Vellore 632 006.
- 4.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.P.K.Ganesh, Advocate, S.R.No.54550
+lcc to E.Kannadasan, Advocate, S.R.No.54630

H.C.P.No. 760 of 2019

BR(CO)

RRS (06/08/2019)



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