

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. Nos.1693 and 1694 of 2019

S.R.Srinivasan

... Petitioner in
H.C.P.No.1693 of
2019

Shenbagamoorthy

... Petitioner in
H.C.P.No.1694 of
2019

-vs-

The Director General of Income Tax
(Investigation), New Building,
2nd Floor, New No.45, Old No.108,
Mahatma Gandhi Road,
Nungambakkam, Chennai - 34.

.... Respondent in
both H.C.Ps

Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the respondent to produce the body of the detenu by name Mr.Bimalendra Mishra aged about 42 years and by name N.Jayamurugan, aged 51 years, his wife Mrs.Geetha Jayamurugan, aged about 47 years, his daughters, Miss Anitha Jayamurugan, aged about 23 years and Miss. Nandhini Jayamurugan, aged about 22 years before this Court and set them at liberty.

For Petitioner

Mr.Sathish Parasaran,
Sr. Counsel
for M/s.N.Arun Natarajan
in both HCPs

For Respondents

Ms.N.Sheela,
Spl. Public Prosecutor
in both HCPs

COMMON ORDER

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

Seeking a direction to the respondent to produce the body of the detenus - Bimalendra Mishra, aged about 42 years, N.Jayamurugan, aged 51 years, Geetha Jayamurugan, aged about 47 years, Anitha Jayamurugan, aged about 23 years and Nandhini Jayamurugan, aged about 22 years before this Court and set them at liberty, these habeas corpus petitions have been filed.

2. When the matter is taken up for hearing, learned Special Public Prosecutor submitted that what was done is only an enquiry, though the learned senior counsel submits that it is a clear case of detention. Suffice it to state that the detenus are not in the custody of anyone, as of now. Thus, leaving open the larger issue, these habeas corpus petitions stand closed as nothing survives for consideration. However, liberty is also given to the petitioners to take appropriate action in the manner known to law, if they are of the view that there involves illegal custody.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mmi

To

1. The Director General of Income Tax
(Investigation), New Building,
2nd Floor, New No.45, Old No.108,
Mahatma Gandhi Road,
Nungambakkam, Chennai - 34.

2. The Public Prosecutor
High Court, Madras.

+2 ccs to Mr.N.R.R.Arun Natarajan, Advocate, S.R.No.68792 & 68973

H.C.P. Nos.1693 and
1694 of 2019

VBA(CO)
SSM(13/09/2019)