



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05..07..2019
CORAM

The Honourable Mr Justice M.M.SUNDRESH
and
The Honourable Mr Justice M.NIRMAL KUMAR
Habeas Corpus Petition No.1428 of 2017

S.Rajeswari

... Petitioner

-Versus-

1.The Deputy Superintendent of Police,
Mahabalipuram.

2.The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the body and person of Thiru.N.Srinivasan, male, aged 34 years, last known resident at No.1/260, Anna Nagar, Kelambakkam, Chennai 603103 (Kancheepuram District before this court and set him at liberty.

For Petitioner : Mr.J.R.K.Bhavanantham

For Respondents : Mr.R.Prathap Kumar, APP
for RR1 and2

ORDER

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

The petitioner is the wife of the detenu - N.Srinivasan. The petitioner has come up with this petition seeking a direction to the respondent for production of her husband before this court.

2. The detenu is stated to be a mentally unstable person. On instructions, the learned Additional Public Prosecutor submitted that the detenu was in the habit of leaving home frequently home and returning after few days. The detenu has been missing from 07.09.2015 onwards. This petition has been filed in the year



2017 by the petitioner after the respondents were unable to secure the presence of the detenu.

3. The detenu went missing on 07.09.2015 and a complaint has also been made in this regard before the 2nd respondent. Considering the submissions of the learned Additional Public Prosecutor and the facts and circumstances of the case, we are not inclined to keep this petition pending any longer as nearly four years have already elapsed. Therefore, this Habeas Corpus Petition stands dismissed, however, with a direction to the 2nd respondent to proceed with the investigation and as and when the detenu is traced, he should be produced before the jurisdictional Magistrate.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Deputy Superintendent of Police,
Mahabalipuram.

2.The Inspector of Police,
E-8, Kelambakkam Police Station,
Kelambakkam,
Kancheepuram District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.R.K.Bhavanantham, Advocate sr.56449

H.C.P.No.1428 of 2017

vd(co)
nr 06/08/2019