

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.03.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

HCP.No.2670 of 2018

Mrs.Mangai

.. Petitioner

Versus

The Inspector of Police,
K-11, CMBT Police Station,
Chennai.

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondent to produce the body of the person of the detenu, petitioner's son Paneer Selvam son of Yagopu who is aged about 26 years before this Court and set her at liberty.

For Petitioner : Mr.M.Jaikumar

For Respondents: Mr.C.Iyyappa Raj,
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu and alleging that his son namely, Paneer Selvam son of Yagopu, aged about 26 years is missing from 18.10.2018 onwards and she lodged a compliant, based on which, a case in Crime No.1214 of 2018 was registered by the respondent Police for ''Man Missing''.

2. The Habeas Corpus Petition was entertained on 23.11.2018 and notices were ordered and when it was listed for hearing on 15.02.2019, the respondent had filed a Status Report giving out the details of the antecedents of the missing detenu. This Court has also directed the learned Additional Public Prosecutor to file an additional affidavit as to the cases which are pending against the detenu.

3. Accordingly, the respondent has filed an additional affidavit dated 19.02.2019 and it is relevant to extract the same:

SI No.	Police Station, Crime Number and section of Law	Stage of the case
1.	k-10 Koyambedu P.S.Cr.No.865 of 2017 u/s 392 @ 397 IPC	Not taken on file by the V Metropolitan Magistrate Court, Egmore, Chennai.
2.	k-10 Koyambedu P.S.Cr.No.174 of 2015 u/s.341, 294 (b), 323, 392 & 506 (ii) IPC	Not taken on file by the V Metropolitan Magistrate Court, Egmore, Chennai.
3.	K-11 C.M.B.T.P.S., Crime No.124/2016 us.341, 294 (b), 323, 336, 427, 397 and 506 (ii) IPC	Not taken on file by the V Metropolitan Magistrate Court, Egmore, Chennai.
4.	K-11 C.M.B.T.P.S., Crime No.1143/2017 us.341 & 392 IPC	Pending trial on C.C.No.3616 of 2018 dated 14.05.2018 before the V MM Court, Egmore, Chennai
5.	K-11 C.M.B.T.P.S., Crime No.912/2018, u/s.341, 294 (b), 323, 397, 506 (ii) IPC	Not taken on file by the V Metropolitan Magistrate Court, Egmore, Chennai.
6.	K-11 C.M.B.T.P.S., Crime No.1502/2012 u/s.147, 294 (b), 324 & 307 IPC @ 147, 294 (b), 324 & 302 IPC	Acquittal on 02.07.2018.
7.	CBCID Thiruvallur in Crime No.01/2015 u/s.147, 148, 149, 120 (b), 506 (ii), 341, 294 (b), 323, 397, 506 (ii), 307, 302 IPC r/w.302 IPC and Sec.25(1-B(a) of Arms Act, 1958 - Reassigned V-5 Vengal P.S.Cr.No.36/2015, u/s.147, 148, 341, 324, 506 (ii), 307 & 302 IPC	Pending committal in P.R.C.No.10/2015 dated 05.02.2015. NBW is pending against the detenue panneerselvam before the Judicial Magistrate Court, Thiruvallur.
8.	T-12 Poonamallee P.S.Crime NO.393 of 2018 u/s.341, 392 IPC	Not taken on file by the Judicial Magistrate Court, Poonamallee

SI No.	Police Station, Crime Number and section of Law	Stage of the case
9.	T-12 Poonamallee P.S.Crime NO.394 of 2018 u/s.333, 307, 397 r/w.34 IPC	Pending trial in S.C.No.157 of 2018 before the Sessions Court, Thiruvallur.
10.	T-12 Poonamallee P.S.Crime NO.395 of 2018 u/s.294 (b), 336, 427, 397, 506 (ii) IPC	Not taken on file by the Judicial Magistrate Court, Poonamallee
11.	T-13 Kundrathur P.S.Crime No.633/2014, u/s.341 & 307 IPC	Pending trial in S.C.No.150 of 2014 before the Sessions Court, Kancheepuram. NBW is pending against the detenu from 05.11.2015 on the file of the above said Court.
12.	T-13 Kundrathur P.S.Crime No.646/2014, u/s.341, 294 (b), 336, 427, 397 & 506 (ii) IPC	Under Investigation

Such a report would also disclose that the detenu has been detained on earlier occasions on 19.03.2016, 29.07.2014 and 09.04.2018 under the provision of Tamil Nadu Act 14 of 1982 and that apart, two Non Bailable Warrants are pending against him.

4. The petitioner did not made any specific allegation as to his illegal custody / detention of the detenu at the hands of the respondent and in the light of the same, no positive orders can be passed in favour of the petitioner. However, taking into consideration the anxiety expressed by the petitioner, who happens to be the mother of the detenu, the respondent is directed to take all-out efforts to trace the detenu and as and when he is traced, he shall be produced before the Court of Metropolitan Magistrate, Egmore, Chennai -8 for passing appropriate orders and before doing so, may give prior intimation to the petitioner also.

5. The Habeas Corpus Petition is disposed of with the above observation.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

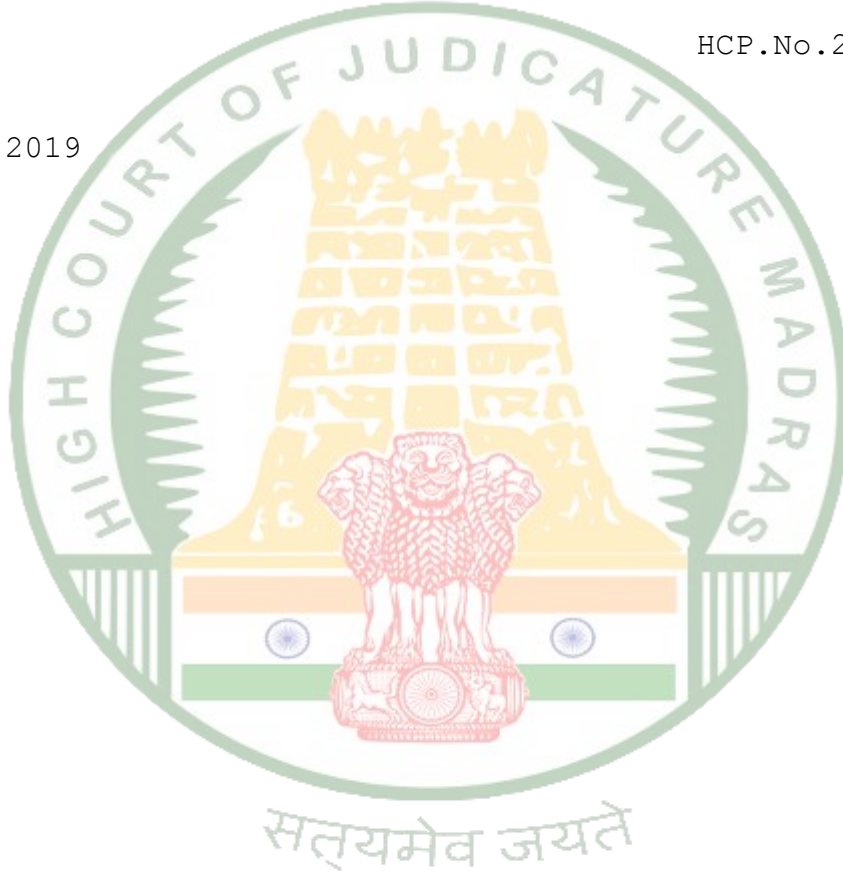
1.The Inspector of Police,
K-11, CMBT Police Station,
Chennai.

2.The Public Prosecutor
High Court, Madras.

+1 cc to Mr.M.Jaikumar, Advocate Sr.No.20365

HCP.No.2670 of 2018

RSI (CO)
CSL/25.04.2019



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