



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 22.07.2019
CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P (MD) No.627 of 2019

S.Devasiva

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Manamadurai Police Station,
Manamadurai.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenu, petitioner's father Mr.Samayamuthu, aged about 60 years, before this Court and set him liberty.

For Petitioner : Mr.B.Vinothbalan
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

ORDER

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

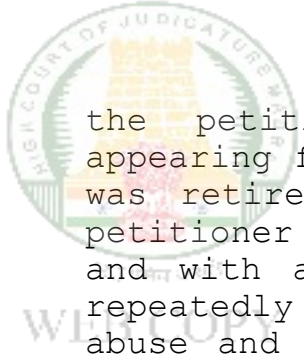
A mention was made by the learned Additional Public Prosecutor on the ground that the detenu has been secured and accordingly, the matter is listed today.

2. The learned Counsel appearing for the petitioner is also present and so also the detenu.

3. The petitioner is the second son of the detenu, viz., Thiru.Samayamuthu, aged about 60 years, who was a retired Senior Manager of Punjab National Bank. According to the petitioner, at the time of his retirement, his father was disbursed with huge amount and with an eye to get the same, some persons had kidnapped him and a complaint given in this regard is also resulted in C.S.R.No.3424 of 2018. The petitioner, apprehending safety, whereabouts and well being of his father, came forward to file this Habeas Corpus Petition.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Heard the submissions of the learned Counsel appearing for



the petitioner and the learned Additional Public Prosecutor appearing for the State and also the detenu, who would state that he was retired on 31.01.2018 and he is having four issues and the petitioner is the second son and he is an Air Conditioner mechanic and with an eye upon his property and wealth, the petitioner is repeatedly harassing him and sometimes, subjected to him physical abuse and unable to bear the same, he is residing with his close relative. When this Court, has put a specific question, as to whether he is under illegal custody or detention, at the hands of any person, he would positively state that he is not under illegal custody or detention and he is living with his close relative on his own volition.

5. The said statement is placed on record.

6. The detenu is well educated and was also in a good position in a Nationalised Bank and in the light of the statement given by the detenu, it cannot be stated that he is under illegal custody or detention.

7. In the result, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar (AS)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Sivagangai District, Sivagangai.

2.The Inspector of Police,
Manamadurai Police Station, Manamadurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.VINOTH BALAN, Advocate (SR-77376[F] dated 24/07/2019)

H.C.P (MD) No.627 of 2019
22.07.2019

SSL
JM/01.08.2019/2P-5C