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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2019

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

H.C.P (MD) No. 746 of 2019

T.Boovili

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2. The Inspector of Police,
Sethur Police Station,
Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus to direct the respondents to produce the body and person of the petitioner's husband, namely, Thulasiraman, son of Ramachandran, aged 32 years, before this Court and set him at liberty.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu, namely, Thulasiraman and according to her, the marriage between her and the detenu was solemnised eight years back and out of wedlock, she is now five months pregnant. The petitioner would further aver that her husband had incurred debts due to business loss and on 20.05.2019, he left for Kodaikanal and thereafter, his whereabouts were not known and despite very many efforts to contact him through mobile phone, it could not be fructified and it was found to be switched off and apprehending the safety and well-being of her husband, she lodged a complaint, based on which, a case in Cr.No.157 of 2019 was registered on 09.07.2019 for "Man Missing".

2. The learned Counsel for the petitioner would submit that despite lapse of nearly one month, no action has been taken by the second respondent to trace her husband - the detenu and hence, she is constrained to approach this Court by filing the present petition and prays for appropriate orders for production of the husband of the petitioner - the detenu.



3. Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the State would submit that all efforts have been taken to trace the detenu and the investigation is proceeding on the right lines.

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4. This Court has considered the rival submissions and perused the materials placed on record.

5. The petitioner did not allege that her husband is kept under illegal custody at the hands of any third party and in the absence of the same, this Habeas Corpus Petition is not maintainable. However, this Court, taking into consideration the fact that the petitioner is in family and she is also very much anxious to know about the whereabouts of her husband, who is missing, directs the second respondent to conduct a fair and speedy investigation in respect of the case in Cr.No.157 of 2019 and during the course of the investigation, if the detenu is traced, he shall be produced before the Court of Judicial Magistrate, Rajapalayam, Virudhunagar District and before doing so, shall inform the petitioner also. The second respondent shall also periodically inform the petitioner as to the progress of the investigation. The Deputy Superintendent of Police, Rajapalayam, Virudhunagar District, shall monitor the investigation and also give necessary inputs to the second respondent.

6. Accordingly, this Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Sethur Police Station,
Virudhunagar District.

3.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

4.The Additional Public Prosecutor,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai Bench of Madras High Court,
Madurai.



+1 CC to Mr.R.VENKATESAN, Advocate (SR-81099[F] dated 09/08/2019)

H.C.P(MD) No.746 of 2019
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