

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.108 of 2020

Lakshmi Venkatachalam
W/o.Venkatachalam

... Petitioner

versus

1.The Commissioner of Police,
Greater Chennai Police,
EVK Sampath Road,
Vepery, Chennai.

2.The Inspector of Police,
J-3 Guindy Police Station,
Guindy, Chennai - 32.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing respondents to produce the body of the detenu viz., Venkatachalam S/o.N.P.V.Ramasamy Udayar, aged 59 years, before this Court and set him at liberty.

For Petitioner : Mr.V.Raghavachari for Mr.D.Praveen

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

For Detenu : Mr.V.Ayyadurai, senior counsel
for Mr.G.Rm.Palaniappan and Durai
Eswar

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O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner, who is the wife of detenu viz., Venkatachalam S/o.N.P.V.Ramasamy Udayar, aged 59 years, has filed the present Writ Petition seeking a direction to respondents to produce the detenu before this Court and set him at liberty.

2. Heard learned counsel for petitioner, learned Additional Public Prosecutor appearing for respondents and learned senior counsel appearing for detenu.

3. Learned counsel for petitioner submits that the detenu is the Chancellor of Sri Ramachandra Medical College and Research Institute. The detenu used to travel often for his business commitments. Likewise, on 04.01.2020, the detenu had gone to Salem for a business meeting. On 05.01.2020, petitioner received a phone call from the Personal Assistant of the detenu informing that the detenu had suffered a heart attack and was admitted at Manipal Hospital, Salem and would undergo a major heart surgery which will involve placing of stents. Thereafter, petitioner was informed that the detenu was shifted to Ramachandra Hospital, Porur, Chennai. Since the repeated attempts of petitioner for contacting the detenu over phone has failed, she went to Sri Ramachandra Hospital on 06.01.2020 to meet the detenu. However, to the utter shock of the petitioner, the hospital staff have informed that the detenu was not admitted there. On being informed that the detenu was under illegal detention, petitioner preferred a complaint on 09.01.2020 before the second police narrating the whole incident. Since no action has been taken on the complaint, the present petition has been filed seeking the aforesaid relief.

4. Learned Additional Public Prosecutor, on instructions, submits that the detenu, at present, is admitted in the specially created Intensive Care Unit at Sri Ramachandra Medical College Hospital, Main Block, 7th Floor, D.7. Room No.8 and he is not under illegal detention.

5. Learned senior counsel appearing for detenu affirms the said submission of learned Additional Public Prosecutor. Learned senior counsel further submits that the detenu is not willing to meet the petitioner.

6. From the submissions of learned counsel on either side, it is clear that there is no illegal detention of the detenu. Hence, the present petition is not maintainable and the same is liable to be dismissed.

Accordingly, the Habeas Corpus Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm
To

1.The Commissioner of Police,
Greater Chennai Police,
EVK Sampath Road,
Vepery, Chennai.

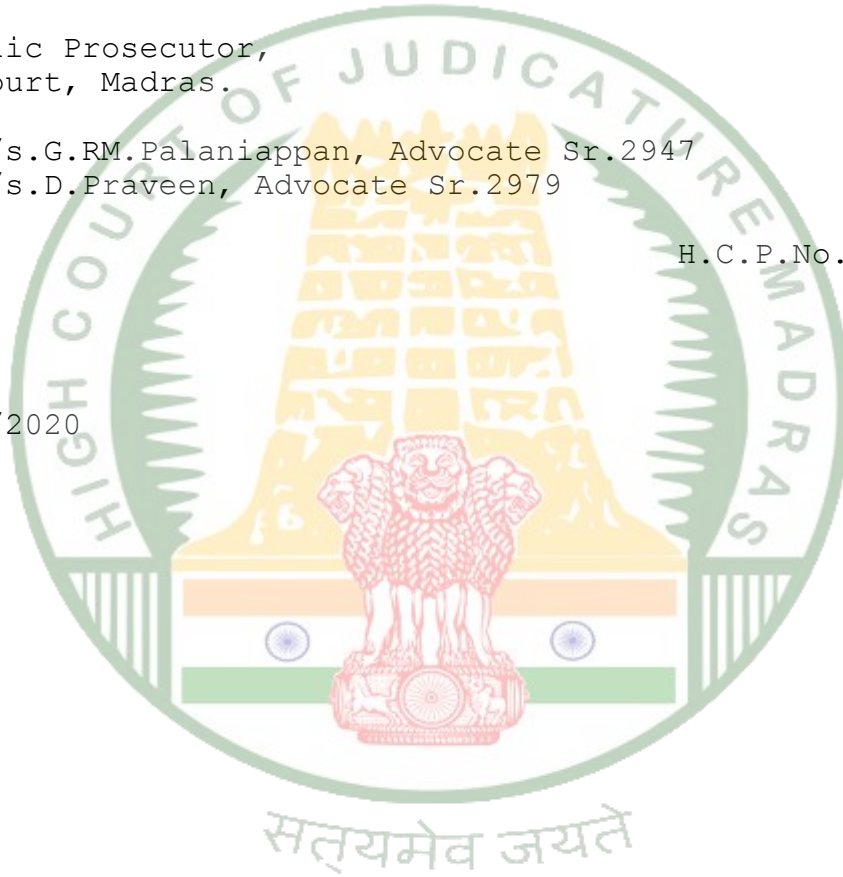
2.The Inspector of Police,
J-3 Guindy Police Station,
Guindy, Chennai - 32.

3.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.G.RM.Palaniappan, Advocate Sr.2947
+lcc to M/s.D.Praveen, Advocate Sr.2979

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