

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D. KRISHNAKUMAR

H.C.P. No. 1861 of 2020

Rajeswari

...Petitioner/
Wife of the Detenu

vs

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

2. State Rep. by its
The Inspector of Police,
Erode South Police Station,
Erode District.

3. Karppagam

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent to produce the body or person of the petitioner's husband namely C.Rajaguru, S/o.Chinnusamy, aged about 62 years, before this Court and set him at liberty.

For Petitioner .. Mr.W.Camyles Gandhi
For Respondents.. Mr.R.Prathap Kumar,
Addl.Public Prosecutor
for R1 & R2

ORDER

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

The petitioner, who is the wife of the detenu, has come forward to file habeas corpus petition pursuant to the complaint registered in Cr.No. 527 of 2020 for man missing.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

3. In the complaint, the petitioner has stated that the detenu is missing from 30.04.2018 onwards. The investigation

would reveal that the detenu has married the third respondent for the second time and also begotten a child. He is stated to be living with the third respondent.

4. In the light of the above, we are not inclined to allow this habeas corpus petition except by directing the second respondent to continue with the investigation and secure the detenu. As and when the detenu is secured, he should be produced before the jurisdictional Magistrate.

5. The habeas corpus petition stands closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Erode,
Erode District.
2. The Inspector of Police,
Erode South Police Station,
Erode District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.W.Camyles, Advocate, S.R.No.34420

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NMI (CO)
RV(19/11/2020)

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