

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

Coram

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

The Hon'ble Mr. Justice P.RAJAMANICKAM

H.C.P. No. 2035 of 2020

T.Kalaivanan

..Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

2.The Inspector of Police,
J.1, Saidapet Police Station,
Saidapet, Chennai.

3.Dhanalakshmi

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Habeas Corpus directing the second respondent to produce the body of S.T.Manivannan, son of Thulasingham, aged about 51 years, who is detained illegally by the third respondent before this Court and set him at liberty.

For Petitioner .. Mr.V.Parthiban

For Respondent .. Mr.R.Prathap Kumar
Additional Public Prosecutor
for R1 and R2

Mr.V.Anthony Elangovan Raj for R3

ORDER

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

The petitioner claiming to be the friend of the detenu has filed this habeas corpus petition raising allegations against the third respondent, who is none other than the wife of the detenu.

2.Upon hearing the submissions made by the learned counsel appearing for the petitioner and the third respondent, we appoint an Advocate Commissioner to record the statement of the third respondent and the detenu.

3.Learned Advocate Commissioner recorded the submissions of the third respondent, the detenu and the statement of the De-addiction cum Rehabilitation Centre . We would like to place on record the relevant paragraphs of the report of the learned Advocate Commissioner:-

"Statement Given by the 3rd Respondent/Wife of the Detenue

The 3rd respondent who is the wife of the detenue stated that the detenue had the habit of consuming alcohol from day one of their marriage because of which the discord between the detenue and the 3rd respondent increased. The detenue who was working in one of the daily English News Paper Company and subsequently left the job and completely turned out to be an alcoholic.

Due to intoxication, the detenue tried to physically attack the 3rd respondent. Therefore she lodged a complaint against the detenue to the 2nd respondent police station in CSR No.181/2020 dated 08.10.2020. In accordance to the advice given by the 2nd respondent police, the 3rd respondent searched online for a De-addiction cum Rehabilitation Centre and finally found the address of the "Green Life Foundation" De-addiction cum Rehabilitation Centre, which is situated at No.1 & 1A, Om Sakthi Nagar, Valasaravakkam, Chennai - 600 878. Thereafter, she called the above said De-addiction Center, Managing Trustee on 20/10/2020 to admit the detenue in their De-addiction Center.

Statement Given by the detenue

The detenue, said that he was taken by the de-addiction centre, Managing Trustee, Mr.Vinoth Kumar on 20.11.2020 at 10.30 pm from his home without his permission. He said that he is not a habituated as an alcoholic person. He consumed alcohol only thrice a week with his friends at his house. However, he is undergoing the treatment and he stated that he finds the rehabilitation center to be relaxing and satisfactory. Though the detenu was upset with the 3rd respondent for not informing him while taking him to the rehabilitation centre, he appreciates her for admitting him in the rehabilitation center and further stated that she must have done this earlier. The Statement given by the authorized signatory in the rehabilitation centre:

The authorized signatory stated that the detenue was brought to the Rehabilitation Centre on 20/10/2020 and that he is co-operative for the treatment. He stated that the third respondent had taken the liability to pay for the detenue. He further added that the detenue is healthy and is completely willing for the treatment and also he needs to be there in the above said centre at least for another 60 days for further treatment.

Therefore, the detenue is in the above said de-addiction cum Rehabilitation Centre from 20.11.2020 and undergoing the treatment with his full satisfaction."

4.From the above, we are of the view that the detenu is not in the illegal custody of the third respondent. The allegations made as against her stands eschewed as unnecessary and unwarranted.

5.The habeas corpus petition stands closed as we find no illegal detention involved at the hands of the third respondent.

6.The learned counsel appearing for the petitioner is directed to pay another sum of Rs.10,000/- (Rupees Ten thousand only) to the learned Advocate Commissioner.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

- 1.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.
- 2.The Inspector of Police,
J.1, Saidapet Police Station,
Saidapet, Chennai.

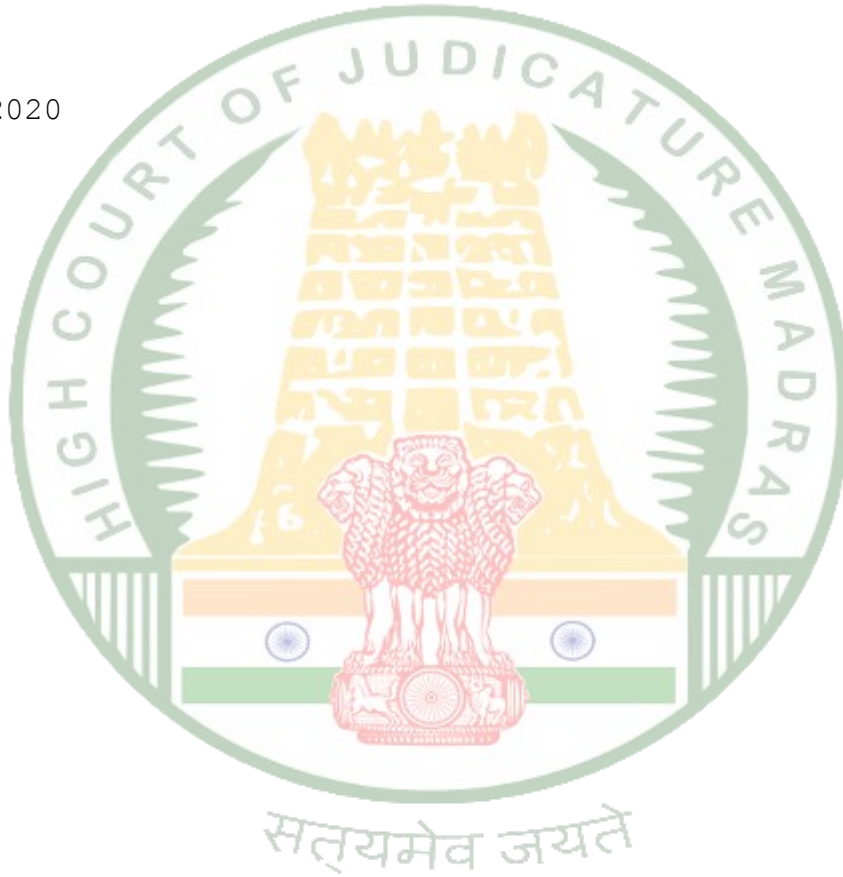
3.The Public Prosecutor,
High Court, Madras.

4 Mr.S.Lakshmi
No.138, Thambuchetty Street,
Prays corner, Chennai.

+ 1 C.C. to M/s. Kanimozhi Mathi, Advocate SR.NO.37991

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