



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Nineteenth day of February Two Thousand and Twenty
PRESENT

The Hon'ble Mr. Justice T. RAJA
AND

The Hon'ble Mr Justice B. PUGALENDHI

HCP(MD) . No.126 of 2020

Benashir Fathima Mary

...Petitioner

Vs

1 The Commissioner of Police, Madurai.

2 The Inspector of Police, Tallakulam Police Station,
Madurai.

3 S. Kulanthaisamy

4 The Bar Council of Tamil Nadu and Puducherry,
Gate No.4, High Court Campus, Chennai,
Tamil Nadu 600 104.

...Respondents

(R4 Suo Motu Impleaded as Per Order of this Court dated
19.02.2020)

Prayer :-Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body of detenu by name Antony Athipathi Raja, son of Kulanthaisamy, male aged 3 1/2 years who has been illegally detained by the 3rd respondent before this Court and to handover the custody of the detenu to the petitioner forthwith.

ORDER:- Habeas Corpus Petition coming up for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Ms. S.Devasena, Advocate for the Petitioner, and of Mr. K.Dinesh Babu, Additional Public Prosecutor on behalf of the respondents 1 and 2 this Court made the following order:

Admit

Mr.K.Dinesh Babu, learned Additional Public Prosecutor, takes notice for the respondents 1 and 2 and seeks time to get instructions.



Learned counsel appearing for the petitioner, submitted that the petitioner is the wife of the 3rd respondent, who claims to be an Advocate. The learned counsel further submitted that the petitioner, after some times, knew that her husband was not an advocate and he produced fake law degree certificate and with regard to the same, one of his relative has also lodged a complaint before the Bar Council of Tamil Nadu.

In view of the above, the Bar Council of Tamil Nadu and Puducherry is impleaded supo motu. The Bar Council of Tamil Nadu and Puducherry is directed to conduct an enquiry in this regard and submit a report before this Court. If the 3rd respondent is found guilty, the Bar Council shall take suitable action as per the Advocates Act.

The Petitioner is directed to furnish photographs, which show the 3rd respondent as Samiyar.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TO

- 1 The Commissioner of Police, Madurai.
- 2 The Inspector of Police, Tallakulam Police Station, Madurai.
- 3 The Bar Council of Tamil Nadu and Puducherry, Gate No.4, High Court Campus Chennai - 600 104

Copy to:

The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 19/02/2020

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ORDER

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HCP(MD). No.126 of 2020

Giving direction and etc.
as stated within.

VB(26.02.2020) 2P 5C

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