



WEB COPY

H.C.P.(MD) No.825 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.825 of 2020

Uthaman

... Petitioner

-vs-

1. The Superintendent of Police
Sivagangai, Sivagangai District
2. The Deputy Superintendent of Police
Ram Nagar, Devakottai
Sivagangai District
3. The Inspector of Police
Taluk Police Station
Devakottai, Sivagangai District
4. The Sub Inspector of Police
Aravayal Police Station
Aravayal, Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 3 and 4 to produce body of the detenu, Chockalingam, aged about 43 years, son of Pethaperumal and handover his custody to the petitioner and set him at liberty.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 3 and 4 to produce his elder brother, namely, Chockalingam, son of Pethaperumal, aged about 43 years, before this Court and set him at liberty.

2. It is the case of the petitioner that his father Pethaperumal passed away in the year 1996 and at the relevant point of time, he and the detenu were studying in a School at Salem and thereafter, they have shifted to their native place. It is further



stated that the detenu is found missing from 03.01.2012 and the petitioner has lodged a complaint with the third respondent on 05.08.2012, but, no action was taken even after a lapse of seven years. Hence, he made another representation to the respondents on 28.09.2020 through registered post. According to the petitioner, even after receipt of the representation, the respondents have not taken any action and hence, the present habeas corpus petition.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, who takes notice for the respondents, submits that the records available with the respondents 3 and 4 would show that no complaint was lodged as alleged by the petitioner on 05.08.2012 and only a representation, dated 28.09.2020, was received by the respondents and after receipt of the representation, the third respondent visited the place of the petitioner, but, he was not available. It is further stated that the Village Administrative Officer has issued a certificate to the effect that the petitioner and the detenu have shifted their residence to Salem and he is not cooperating for enquiry.

4. In reply, Mr.S.Muthukumar, learned counsel for the petitioner, would state that even on 10.10.2020 the petitioner appeared before the fourth respondent and he was available with him for the whole day and he is always ready to cooperate for the enquiry to be conducted by the official respondents.

5. In the matter on hand, it is alleged by the petitioner that his brother is found missing from 05.08.2012. But, nothing is available on record to show that a complaint was given in the year 2012. It is represented that the respondent Police are ready to take action on the basis of the representation of the petitioner, dated 28.09.2020.

6. In the light of the above facts, the third respondent is hereby directed to take action on the basis of the representation of the petitioner, dated 28.09.2020, purely on merits and in accordance with law. The petitioner is also directed to make himself available for the enquiry to be conducted by the third respondent.

7. With the above directions, the habeas corpus petition is disposed of.

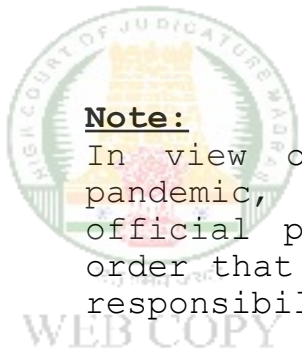
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

1. The Superintendent of Police,
Sivagangai, Sivagangai District.
2. The Deputy Superintendent of Police,
Ram Nagar, Devakottai,
Sivagangai District.
3. The Inspector of Police,
Taluk Police Station,
Devakottai, Sivagangai District.
4. The Sub Inspector of Police,
Aravayal Police Station,
Aravayal, Sivagangai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.S.MUTHUKUMAR, Advocate SR-19696.

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SSS (CO)
CS (28.10.2020) 3P 7C