



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.1085 of 2020

H.Nalla Ibrahim ... Petitioner/Father of the detenu

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Office of the Inspector of Police,
Keelakarai Police Station,
Thoothukudi District.

3.Viswanathan ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the first respondent to produce the body or person of the Petitioner's elder son namely Shahul Hameed, son of H.Nalla Mohamed, aged about 38 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.Dinesh Babu
1 and 2 Additional Public Prosecutor

O R D E R

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

Heard Mr.S.M.A.Jinnah, learned counsel appearing for the Petitioner and Mr.K.Dinesh Babu, learned Additional Public Prosecutor appearing for the respondents 1 and 2 and perused the materials placed before this Court.

2.The prayer in the Habeas Corpus Petition is to direct the first respondent to produce the Petitioner's elder son namely, Shahul Hameed, aged 38 years and set him at liberty.

3.The Petitioner would claim that he is a resident of



Keelakarai and he is engaged in fishing business and he is having two sons and one daughter. It is alleged that his elder son Shahul Hameed was falsely implicated in two criminal cases in Crime Nos. 76 and 98 of 2019 on the file of Keelakarai Police Station and he was remanded to judicial custody, however, he was enlarged on bail. It is also alleged that due to previous motive, the Police personnel attached to the Keelakarai Police Station had foisted a false case against his son. The Petitioner would further claim that on 29.11.2020, at 4.00 a.m., the third respondent along with two Sub-Inspectors of Police, one Head Constable and two Constables, illegally entered into his house and took his son Shahul Hameed and thereafter, no information was furnished to the Petitioner. Hence, he sent a representation to the first respondent and filed this Habeas Corpus Petition.

4. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 would state that the detainee in this case namely, Shahul Hameed was secured by the second respondent on 29.11.2020 in connection with Crime No.355 of 2020, which was registered under the Provisions of NDPS Act and remanded to judicial custody on 30.11.2020. It is also stated that he is having bad antecedents and he involved in similar cases of 7 in nature.

5. In the light of the above statement, since the accused is under judicial remand, we are of the opinion that this Habeas Corpus Petition is not maintainable and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

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.

To:

1. The Superintendent of Police,
Office of the Superintendent of Police,
Ramanathapuram District.



2.The Inspector of Police,
Office of the Inspector of Police,
Keelakarai Police Station,
Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.1085 of 2020
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