



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2020

CORAM:

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.1147 of 2020

R.Maheswari

... Petitioner/Mother of the detenu

-vs-

1. The Commissioner of Police,
Trichy City,
Trichy.

2. The Inspector of Police,
Ponmalai Police Station,
Trichy City

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the detenu namely Karthick @ Kaka karthick, son of S.Ramalingam, aged about 23 years from the illegal custody of the second respondent before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.K.Dinesh Babu,

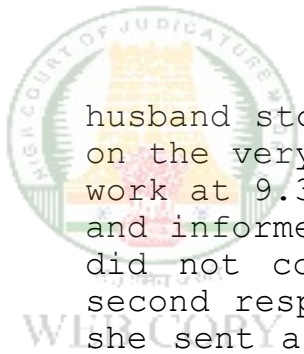
Additional Public Prosecutor

O R D E R

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

This habeas corpus petition has been filed seeking direction to the respondents 1 and 2 to produce the Petitioner's son namely, Karthick @ Kaka karthick, son of S.Ramalingam, aged about 23 years from the illegal custody of the second respondent before this Court and set him at liberty.

2.The Petitioner would state that she is working as Sweeper at Ponmalai area and she is having four sons and a daughter. While so, on 5.11.2020, the second respondent took her son, the detenu herein to execute a bond to maintain good behaviour and he also executed a bond as directed by the second respondent, in which, her



husband stood as a witness. The Petitioner would further state that on the very same day, he went to Kumbakonam to attend a construction work at 9.30 p.m and at about 9.50 p.m. he contacted the Petitioner and informed that he reached the Ponmalai Bus stand. Thereafter, he did not contact her and hence the Petitioner enquired with the second respondent Police, but no proper reply was given. Therefore, she sent a representation to the respondents 1 and 2 on 27.11.2020 and filed the present Habeas Corpus petition.

3.Heard Mr.T.Lenin Kumar, 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.

4.The learned Additional Public Prosecutor would state that the Petitioner's son, the detenu Karthick @ Kaka Karthick was involved in a case of two wheeler theft and hence, a criminal case was registered against him in Crime No.929 of 2020, on the file of the Nadu Cauvery Police Station, for the offence under Section 379 IPC. He was secured by the Police on 7.11.2020 and on the same day, he was produced before the learned Judicial Magistrate, Thiruvaiyaru and after remand, now he is confined in Kumbakonam Sub-Jail.

5.In the light of the above statement made by the learned Additional Public Prosecutor, we find no merit in the Habeas Corpus Petition and accordingly, the same stands dismissed.

Sd/-

Assistant Registrar (P&A)

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/ /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 Commissioner of Police,
Trichy City, Trichy.
2. The Inspector of Police,
Ponmalai Police Station,
Trichy City.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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