

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and

The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. No. 389 of 2020

S.Mohana

.. Petitioner

Vs.

1.State Rep. by its
The Superintendent of Police,
Ranipettai District.

2.State Rep. by its
The Inspector of Police,
All Women Police Station, Arakkonam,
Ranipet District.

3.Venkatesan

4.Kumar

5.Meena

6.Rajendiran

7.Desammal

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing respondents 1 and 2 to produce the body of the detenu/petitioner's husband namely, Sudhakar, male, Hindu, aged about 35 years, now under the illegal custody of 3 to 7 respondents and set the detenu at liberty forthwith.

For Petitioner : Mr.C.Thamizhazhagan

For Respondents : Mr.R.Prathap Kumar,
Addl. Public Prosecutor
for R1 and R2

ORDER

[Order of the Court was made by V.SIVAGNANAM, J.]

Seeking a direction to respondents 1 and 2 to produce the body of the detenu/petitioner's husband namely, Sudhakar, male, Hindu, aged about 35 years, now under the illegal custody of 3 to 7 respondents and set the detenu at liberty forthwith, the present habeas corpus petition has been filed.

2. On 27.01.2021, this Court passed the following order:

"Today, Ms.R.Veeralakshmi, Sub-Inspector of Police, All Women Police Station, Arakonam, Ranipettai District, is present. Pursuant to the directions of this Court dated 20.01.2021, the police have produced Venkatesan (R3), Rajendiran (R6) and Desammal (R7) before this Court. The petitioner is also present with her two children. Rajendiran (R6) and Desammal (R7) are very old and infirm people.

2. The police have not filed any report giving the details of Sudhakaran (detenu) containing his mobile number, e-mail I.D., residential address in Malaysia and employment details in Malaysia.

3. The petitioner stated that she does not know about the whereabouts of her husband Sudhakaran (detenu).

4. The second respondent/police are directed to file a comprehensive report on 29.01.2021.

Post the matter on 29.01.2021."

3.Today, Ms.K.Krishnaveni, Inspector of Police, All Women Police Station, Arakkonam, Ranipet District is present.

4.The Inspector of Police, All Women Police Station, Arakkonam, Ranipet District, has filed a status report dated 29.01.2021, wherein she has stated as follows:

"5.I submit that on 17/03/2020, through proper channel, I have given requisition letter to that Foreign Regional Registration Officer, Sasthiri Bhavan, Chennai, by requesting to furnish the travel details of the detenu from October 2019 to February 2020. Based on that, on same day I have received the reply from the Immigration Department that the detenu arrived at Chennai on 30/10/2019 vide his passport No.M8812409 through AK-013(Kuala Lumpur) and left from Chennai on 08/12/2019 through AK-010(Kuala Lumpur).

6.I submit that on 11/03/2020, I have given requisition letter to Cyber Crime, Vellore to get CDR report of the mobile number of the petitioner i.e., 9884844130 and received the CDR report, which reveals that

the petitioner spoke with her husband/detenu herein on 25/02/2020 at about 19.48.23 hours for 409 seconds to his mobile number +60111650978.

7.I submit that due to the Corona pandemic situation I could not proceed further enquiry of this case.

8.I submit that on 27/01/2021, through whatsapp voice message of the detenu mobile number i.e., +60111650978, I have collected office address of the detenu i.e. Teknikast Sdn Bhd. Lot 2139, Jalan Enggang, Batu 9 Kebun Baru, Teluk Panglima Garang, 42500 Kuala Langat, Selangor, Malaysia. Attn.Mr.Hamdan, Tel.No.603-3122 8968, Fax No: 603-3122 8963. The detenu also informed through whatsapp voice message that he is working in the above said company as labour and staying in the said company address itself hostel along with 15 other workers. He also mentioned that he doesn't have any email id."

5.A copy of the status report has been furnished to the learned counsel for the petitioner.

6.Recording the same, this habeas corpus petition stands closed since it is seen that the detenu is not in the illegal custody of anyone but has gone on account of employment to Malaysia.

Sd/-

Assistant Registrar (C.S.III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police, Ranipettai District.
- 2.The Inspector of Police,
All Women Police Station, Arakkonam, Ranipet District.
- 3.The Public Prosecutor, High Court, Madras.

+lcc to mr.S.Iyyappan, Advocate Sr.No.4644

+lcc to Mr.G.Thamizazhagan, Advocate Sr.No.4663

AKM/12.2.21 /3P-6C/

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29.01.2021