

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice V.SIVAGNANAM

H.C.P. No.405 of 2020

K.Palaniammal

... Petitioner/
wife of detainee

Vs.

1.The Superintendent of Police,
Kancheepuram District.

2.The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the 2nd respondent police to produce the petitioner's husband Konjiadaikkan, son of Chinnaraju, aged about 38 years, before this Court and set him at liberty.

For Petitioner : Mr.M.Nambirajan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking to direct the 2nd respondent police to produce the petitioner's husband Konjiadaikkan, son of Chinnaraju, aged about 38 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her husband Konjiadaikkan, went missing from 03.08.2019 and that the police are not taking effective steps to secure him.

3. Today, Mr.T.Mani, Head Constable 1126, B-3, Kanchi Taluk Police Station, Kancheepuram District, is present.

4. It is seen that this is the second habeas corpus petition and in the first petition in H.C.P.No.1733 of 2019, this Court passed the following order on 18.09.2019:

"2. The petitioner is the wife of the detenu seeking his presence before this Court. From the status report filed, it appears that apart from some misunderstanding, there is also a civil dispute. The status report also reveals the efforts taken by the respondent till now.

3. Thus, we are not inclined to keep this petition pending any longer and the Habeas Petition stands closed. However, the respondent/police shall proceed with the investigation. As and when the detenu is secured, he should be produced before the jurisdictional Magistrate."

5. On instructions, the learned Additional Public Prosecutor submitted that despite the efforts taken by the police to trace the petitioner's husband, they were not able to trace him.

In view of the above, this habeas corpus petition is closed with a direction to the Deputy Superintendent of Police, Kancheepuram Sub-Division, to monitor the investigation in Kanchi Taluk Police Station Crime No.436 of 2019 and keep the petitioner informed of the developments, if any. As and when the detenu is secured, he shall be produced before the Judicial Magistrate Court No.II, Kancheepuram, under intimation to the petitioner.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd
To

1.The Judicial Magistrate No.II,
Kancheepuram.

2.The Deputy Superintendent of Police,
Kancheepuram Sub-Division.

3.The Superintendent of Police,
Kancheepuram District.

4.The Inspector of Police,
B-3, Kanchi Taluk Police Station,
Kancheepuram District.

5.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Nambirajan, Advocate, sr no.6916

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RSI (CO)
RMP (03/03/2021)