

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 09.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

H.C.P.No.387 of 2021

Anbalagan

... Petitioner

versus

1.The District Superintendent of Police,
Villupuram District, Villupuram.

2.The Inspector of Police,
Auroville Police Station,
Villupuram District.

3.The Inspector of Police,
Taluk Police Station,
Chittoor,
Chittur District,
Andhrapradesh State.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu Devapriyan, son of Anbalagan, 26 years, from illegal custody of the third respondent, before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

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

O R D E R

(Order of this Court was delivered by T.RAJA,J.)

This Habeas Corpus Petition has been filed by the petitioner seeking a direction to the respondents to produce the detenu, Devapriyan, son of Anbalagan, aged 26 years, from illegal custody of the third respondent, before this Court and set him at liberty.

2.Mr.R.Sankarasubbu, learned counsel appearing for the petitioner submitted that without informing the grounds of arrest, the third respondent men forcibly remanded the detenu Devapriyan and therefore, his whereabouts are not known to the petitioner, father of the detenu. Therefore, the arrest and the subsequent remand made by the third respondent are non est

in the eye of law. Hence, the petitioner made a representation to the first respondent on 01.03.2021 to take necessary action. As there was no response, the petitioner is before this Court seeking the above prayer.

3.Learned Additional Public Prosecutor appearing for the respondents submitted that the detenu has been arrested in connection with the case registered in Crime No.35 of 2021 for the offence under Sections 464, 465, 468, 471 & 420 of I.P.C. and that he has been remanded to judicial custody before the IV Additional Judicial Magistrate, (First Class) Chittoor and now he is detained in Chittoor District Jail.

4.Since it is submitted by the learned Additional Public Prosecutor that there is no illegal detention and that the alleged detenu has been remanded to judicial custody before the IV Additional Judicial Magistrate, (First Class) Chittoor and now he is detained in Chittoor District Jail, pursuant to the allegation of job racketing, we are of the view that the petition is liable to be dismissed.

5.It is for the petitioner to seek appropriate remedy in the manner known to law.

6.With the above observation, this petition is dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vga

To

1.The District Superintendent of Police,
Villupuram District, Villupuram.

2.The Inspector of Police,
Auroville Police Station,
Villupuram District.

3.The Inspector of Police,
Taluk Police Station,
Chittoor, Chittur District,
Andhrapradesh State.

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.387 of 2021