

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.04.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

H.C.P. No.498 of 2021

B.Jayanthi

Petitioner

Vs.

- 1 The Commissioner of Police
Salem Corporation
Salem Commissioner Office
Salem
- 2 The State represented by
Inspector of Police
Suramangalam Police Station
Salem 636 005

Respondents

Petition filed under Article 226 of the Constitution of India, seeking a writ of habeas corpus directing the second respondent to produce the body of the petitioner's husband C.Baskaran, S/o.Chinnasamy, aged about 55 years, before this Court and set him at liberty.

For petitioner Mr.L.Muthusamy

For respondents Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

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

It is the case of the petitioner that her husband Baskaran, aged 55 years, went missing on 30.12.2014 and his whereabouts are not known and the police have not taken effective steps to secure him.

2. On instructions, the learned Additional Public Prosecutor submitted that, the petitioner's husband Baskaran was working in a co-operative society and had defalcated certain amounts;

therefore, an enquiry was initiated against him; earlier, Baskaran left his house in March 2011, in connection with which, a case in Suramangalam P.S.Crime No.470 of 2011 was registered; during the pendency of the investigation, he returned home on 14.06.2013 and the said case was closed; thereafter, he was dismissed from service on 15.12.2014 on charges of misappropriation; again, he has left his house on 15.12.2014, for which, the petitioner has given a complaint only on 12.12.2020 and has filed the present petition in 2021.

3. However, the learned Additional Public Prosecutor submitted that, on a complaint given by the petitioner, a case in Suramangalam P.S.Crime No.251 of 2021 for "man missing" has been registered today (28.04.2021).

4. In view of the above, it cannot be stated that the petitioner's husband Baskaran is in the illegal custody of anyone, for issuance of a writ of habeas corpus. However, the Assistant Commissioner of Police, Salem West, is directed to monitor the investigation in Suramangalam P.S.Crime No.251 of 2021 and keep the petitioner informed of the developments, if any. As and when the said Baskaran is secured, he shall be produced before the Judicial Magistrate No.II, Salem, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to his custody.

This Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Judicial Magistrate No.II
Salem
- 2 The Commissioner of Police
Salem Corporation
Salem Commissioner Office
Salem
- 3 The Assistant Commissioner of Police
Salem West

4 The Inspector of Police
Suramangalam Police Station
Salem 636 005

5 The Public Prosecutor
High Court, Madras

H.C.P. No.498 of 2021

VBM(CO)
CB(15/06/2021)



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