

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

Coram

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

H.C.P. No. 572 of 2020

Gunasekaran

.. Petitioner

Vs

- 1.State Rep. by
The Inspector of Police,
Maduravoyal Police Station,
Maduravoyal,
Chennai - 600 095.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 07.
- 3.Karnataka bank,
Porur, Chennai.
(R3 impleaded suo motu vide order
dated 19.03.2020)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing the first respondent to produce the body of petitioner's elder son Rajakumar, aged about 28 years, before this Court and set him at liberty forthwith.

For Petitioner: Mr.A.Ramu

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 the first respondent to produce the body of petitioner's elder son Rajakumar, aged about 28 years, before this Court and to set him at liberty forthwith, the present habeas corpus petition has been filed.

2.Today, Mr.N.Perumalsamy, Sub Inspector of Police, T4 Maduravoyal Police Station is present.

3.On 19.03.2020, this Court passed the following order:

As per the earlier order, the detenu is present before this Court and filed an affidavit stating that he will pay the educational loan availed by his father from the Bank. Since the loan amount has been availed from the Karnataka Bank, Porur Branch, this Court, suo motu impleads Karnataka Bank, Porur Branch, Chennai as party respondent to the proceedings.

2.The learned counsel for the petitioner is directed to serve notice to the panel counsel of the bank as well as to the bank through e-mail, courier and whatsapp. Further, the petitioner, the detenu and his wife are directed to appear before this Court on 24.03.2020.

Post the matter on 24.03.2020.

4.Pursuant to the above order, G.Rajkumar, son of the petitioner has filed an affidavit dated 19.03.2020 wherein it is stated as follows:

"1.I submit that my father had filed the above HCP seeking to produce me on false and fabricated grounds. I submit that my father is well aware about my marriage with Ms.S.Bharathi, which was performed on 27.01.2020.

2.I submit that I had availed educational loan through my father from M/s.Karnataka Bank, Porur Branch, Chennai - 600 116 to the tune of Rs.4,00,000/-. I undertake to repay the said loan and do hereby state that my father is in no way responsible or liable for the repayment of the said loan amount.

3.I give this undertaking without any one's influence and out of my own consent and willingness.

I am fully responsible for the repayment of the said educational loan availed from M/s.Karnataka Bank, Porur Branch, Chennai - 600 116 and undertake to repay and clear the said educational loan out of my own earnings."

5.In view of the above, this habeas corpus petition stands closed.

Sd/-

Assistant Registrar(CS VIII)

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Sub Assistant Registrar

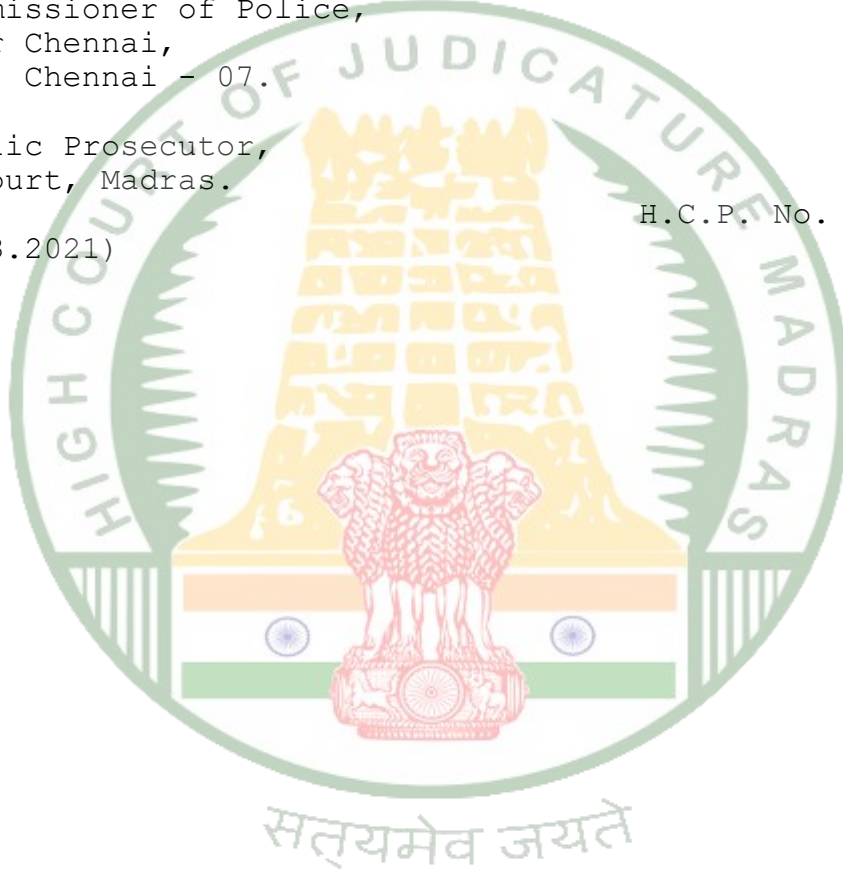
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To

- 1.The Branch Manager,
Karnataka Bank,
Porur Branch, Chennai - 116.
- 2.The Inspector of Police,
Maduravoyal Police Station,
Maduravoyal, Chennai - 600 095.
- 3.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 07.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 572 of 2020

A.SK(16.03.2021)



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