

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mr. Justice R.PONGIAPPAN

H.C.P.No.865 of 2021

K.G.Kanagam

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Rasipuram, Namakkal District.

3.The Inspector of Police,
Namagiripet Police Station,
Namakkal District.

4.S.Perumal

....Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the 3rd respondent to produce the petitioner's cousin, the detenu viz., Subbu @ Subramaniam, son of Muthusamy, aged about 72 years, who is possibly under the illegal detention by the 4th respondent, before this Court and set him at liberty.

For Petitioner : Mr.K.R.Samratt

For Respondents : Mr.R.Muniyapparaj
(for RR1 To 3)
Govt. Advocate (Crl.Side)

ORDER

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

This habeas corpus petition has been filed seeking to direct the 3rd respondent to produce the petitioner's cousin, the detenu viz., Subbu @ Subramaniam, son of Muthusamy, aged about 72 years, who is possibly under the illegal detention by the 4th respondent, before this Court and set him at liberty.

2. It is the case of the petitioner that her brother Subbu @ Subramaniam, son of Muthusamy, aged about 72 years, went missing from 23.03.2021 and that the police are not taking effective steps to secure him.

3. On instructions, the learned Government Advocate (Crl.Side) submitted that on a complaint given by the petitioner, a case in Namagiripet Police Station Crime No.313 of 2021 for 'man missing' was registered on 17.04.2021 and during the course of preliminary enquiry, it came to light that on account of land dispute, the said Subbu left the house.

4. In the opinion of this Court, the detenu viz., Subbu @ Subramaniam, son of Muthusamy, aged about 72 years, is not in the illegal custody of any person for the issuance of writ of habeas corpus.

Hence, this habeas corpus petition is closed with a direction to the Deputy Superintendent of Police, Rasipuram, to monitor the investigation in Namagiripet Police Station Crime No.313 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenu Subbu @ Subramaniam is secured, he shall be produced before the Judicial Magistrate, Rasipuram, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

nsd

To

1.The Judicial Magistrate,
Rasipuram.

2.The Superintendent of Police,
Namakkal, Namakkal District.

3.The Deputy Superintendent of Police,
Rasipuram, Namakkal District.

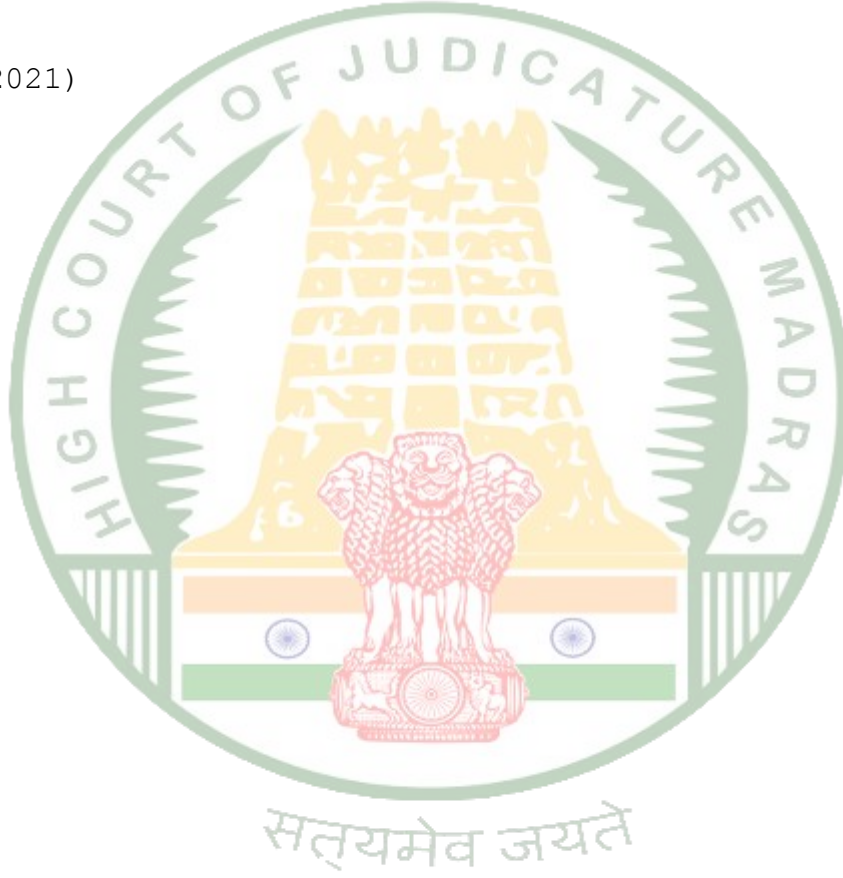
4.The Inspector of Police,
Namagiripet Police Station,
Namakkal District.

5.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.K.R.Samratt, Advocate sr 27578.

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KV(CO)
SP(05/07/2021)



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