



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Ms.JUSTICE R.N.MANJULA

H.C.P.No.1607 of 2020

Udhayakumar

..Petitioner/Son of detenue

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary
Department of Home
Fort St. George
Chennai-9

2.The Superintendent of Police
Puzhal-I, Chennai-66

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents to release the petitioner's father detenue Madavan @ Mahadevan, S/o.Govindasamy, C.No.2167, now confined in Central Prison, Puzhal-I, Chennai-66 before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Muniyapparaj
Government Advocate (Crl. Side)

O R D E R

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

In this petition, the petitioner, who is the son of the detenu viz., Madavan @ Mahadevan, seeks the release of the latter from custody, without anything more.



2. In our considered opinion, when the accused is in custody pursuant to his conviction and sentence by the trial Court, it cannot be stated that he is in illegal custody per se. Therefore, this petition, though admitted earlier, is not maintainable in view of the subsequent development in law and therefore, this petition is dismissed with liberty to the petitioner to file a fresh writ petition, if so advised.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary
Department of Home
Fort St. George
Chennai-9
- 2.The Superintendent of Police
Puzhal-I, Chennai-66
- 3.The Joint Secretary to Government,
Public Law and Order,
Secretariat, Chennai-9.
- 4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1607 of 2020

BS (CO)
PR (27/09/2021)