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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R.HEMALATHA

H.C.P.No.1941 of 2021

Tamilselvi @ Eniya .. Petitioner/Wife of Detenu
Vs.

1. The Superintendent of Police,
Kancheepuram,
Kancheepuram District.
2. State represented by
The Inspector of Police,
B-1, Siva Kanchi Police Station,
Kanchipuram, Kanchipuram District. .. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus pertaining to the illegal custody or illegal detention of the detenu Santhosh @ Santhoshkumar, M/A, 26 years, son of Kumar and consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents to produce the body of the detenu Santhosh @ Santhoshkumar, aged about 26 years, son of Kumar, before this Court and set him at liberty.



2. It is the case of the petitioner that her husband Santhosh @ Santhoshkumar, aged about 26 years, is in the illegal custody of the second respondent/police and therefore, she has prayed for the issuance of a writ of habeas corpus.

3. On instructions, the learned Additional Public Prosecutor submitted that the petitioner's husband Santhosh has involved in twenty eight cases including four cases under Section 302 IPC, four cases under Section 307 IPC, five cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 and seven cases under the Arms Act, 1959. He further submitted that the petitioner's husband has been arrested by the second respondent/police in Siva Kanchi Police Station Crime No.431 of 2019 for the offence under Section 399 IPC r/w 25 (1) of the Arms Act, 1959, on 23.11.2021 and was produced before the learned Judicial Magistrate No.I, Kancheepuram, who has remanded him in judicial custody.

4. As of today, the petitioner's husband is in the judicial custody, pursuant to an order of remand passed by the learned Judicial Magistrate No.I, Kancheepuram and hence, a writ of habeas corpus cannot be issued.

In the result, this habeas corpus petition stands closed with liberty to the petitioner to work out her remedy in the manner known to law.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
No.1, Kancheepuram.
2. The Superintendent of Police,
Kancheepuram,
Kancheepuram District.



3. The Inspector of Police,
B-1, Siva Kanchi Police Station,
Kanchipuram, Kanchipuram District.

3. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1941 of 2021

GSM(CO)
SU(08/12/2021)