



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

WEB COPY

Coram

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

H.C.P.No.2100 of 2021

Basheer Ammal Ismail

..Petitioner

Vs.

1.The Superintendent of Police,
Tiruppur Palladam Main Road,
Tiruppur - 641 604.

2.The Inspector of Police,
Uthukuli Town Police Station,
Karatupalayam, Uthukuli,
Tiruppur - 638 751.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the body or person of the petitioner's husband of the detenu M.Raja Nahurutheen, aged about 33 years, before this Court and set him at liberty.

For Petitioner : Mr.P.Balamani
(E.No.6017/2021)

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

ORDER

[Made by P.N.PRAKASH, J.]

This habeas corpus petition has been filed seeking a direction to the the respondents to produce the body or person of the petitioner's husband of the detenu M.Raja Nahurutheen, aged about 33 years, before this Court and set him at liberty.

2. It is the case of the petitioner her husband Raja Nahurutheen, aged about 33 years, went missing from 11.08.2019



and thereafter, his whereabouts are not known. Since the police are not taking effective steps to secure him, she has filed the present habeas corpus petition.

3. Today, S.Baskaran (Mobile No.94422 30724), Special Sub-Inspector of Police, Uthukuli Police Station, Tiruppur District, is present.

4. The learned counsel for the petitioner herself submitted that Raja Nahurutheen was suffering from mental illness and he used to very frequently go missing and return. However, this time, he has not returned for the last two years.

5. On instructions, the learned Additional Public Prosecutor submitted that the detenu Raja Nahurutheen went missing on 11.08.2019, in respect of which, the police complaint was only given on 28.08.2020, based on which, a case in Uthukuli Police Station Crime No.1262 of 2020 has been registered for 'man missing' and investigation is in progress.

6. It is not the case of the petitioner that her husband is in the illegal custody of the respondents for the issuance of a writ of habeas corpus.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Inspector of Police, Uthukuli Town Police Station, to proceed with the investigation in Uthukuli Police Station Crime No.1262 of 2020 and keep the petitioner informed of the developments, if any. As and when the detenu Raja Nahurutheen, aged about 33 years, is secured, he shall be produced before the District Munsif-cum-Judicial Magistrate Court, Uthukuli, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

1.The District Munsif-cum-Judicial Magistrate,
Uthukuli.



2.The Superintendent of Police,
Tiruppur Palladam Main Road,
Tiruppur - 641 604.

3.The Inspector of Police,
Uthukuli Town Police Station,
Karatupalayam, Uthukuli,
Tiruppur - 638 751.

4.The Public Prosecutor,
High Court, Madras.

+1 CC to M/s.S. Jim Raj Milton, Advocate sr 67875.

H.C.P.No.2100 of 2021

CP(CO)
SP(03/01/2022)