



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN**

H.C.P. (MD) No.348 of 2021

Ramalakshmi ... Petitioner/Mother of the detenu

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai, Madurai District.

3.The Deputy Superintendent of Police,
Samanallur Range,
Madurai District, Madurai.

3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents to produce the body and person of the detenu by name Pandikarthick, son of Murugan, aged 21 years before this Court and set him at liberty.

For Petitioner : Mr.S.Abdul Rahuman

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has come forward with this habeas corpus petition seeking direction to the respondents to produce the petitioner's son, namely, Pandikarthick, aged about 21 years, before this Court and set him at liberty.



2. It is the case of the petitioner that on 01.03.2021 at about 09.00 a.m.,, two persons entered into her house and stated that they are police people and they have taken the detenu for enquiry. Subsequently, she was not informed about his whereabouts and hence, she made a representation on 02.03.2021 to the respondents, but no action was taken and hence, the present habeas corpus petition has been filed.

3. When the matter was taken up for hearing Mr.K.Dinesh Babu, learned Additional Public Prosecutor, would state that the petitioner's son Pandikarthick is one of the accused in Cr.No.71 of 2021 on the file of the Alanganallur Police Station and he was arrested on 03.03.2021 at about 7.30 a.m., and remanded by the learned Judicial Magistrate, Vadipatti in connection with Cr.No.71 of 2021 and he is lodged in Melur Sub Jail. It is further stated that he is also involved in other cases in Cr.Nos.73, 74 and 81 of 2021.

4. It is the submission of the learned counsel for the petitioner that the detenu was secured by the respondents on 01.03.2021, but he was produced before the Magistrate only on 03.03.2021. He further added that directions issued by the Hon'ble Apex Court in the case of ***D.K.Basu vs. State of West Bengal***, reported in ***AIR (1997) SC 610*** has not been followed by the authorities. It is the specific case of the respondents that accused was secured only on 03.03.2021 and he was produced before the concerned Magistrate without any delay. It is to be noted that no material has been brought on record to show that the detenu was secured by the respondent on 01.03.2021. Therefore, we find no substance in the contention of the learned counsel appearing for the petitioner.

5. In fine, the Habeas Corpus Petition fails and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

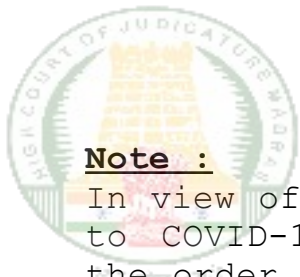
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/ /2021

Sub Assistant Registrar (CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
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- 3.The Deputy Superintendent of Police,
Samanallur Range,
Madurai District, Madurai.
- 3.The Inspector of Police,
Alanganallur Police Station,
Alanganallur, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.348 of 2021
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