



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P.(MD) No.1183 of 2020

WEB COPY

Sharmila Rotirko

... Petitioner/Mother of the
Detenue

vs.

1.The State, represented by
The Superintendent of Police,
O/o The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Thoothukudi District.
(Crime Number:330/2017)

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the body of the petitioner's son namely Joseph Xavier Jerwin son of Raskin Derosé, aged about 24 years old before this Court and set him at liberty.

For Petitioner : Mr.R.Karunanidhi

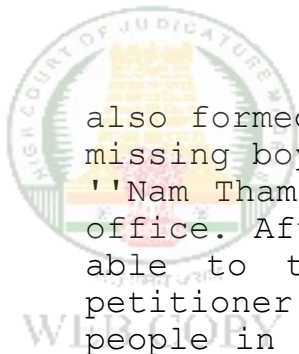
For Respondents : Mr.S. Ravi
Additional Public Prosecutor

O R D E R

(Order of the Court was made by V.BHARATHIDASAN, J.)

Alleging that the petitioner's son by name Joseph Xavier Jerwin, aged about 24 years, found missing, the petitioner has given a complaint before the second respondent police. But, so far no action has been taken to secure the detenu. Hence, the present Habeas Corpus Petition has been filed.

2. On earlier occasion, notice was ordered and the second respondent has also filed a status report stating that, after registration of the First Information Report, they have conducted investigation and examined so many witnesses, a special team was



also formed in December 2020. Now they came to know that the detenu-missing boy was found working in a political party's office namely, ''Nam Thamilar Party'', where he has stolen a mobile and left the office. After that, whereabouts are not known and the police is not able to trace him. The investigation further reveals that the petitioner's husband one Ruskin Derosé, borrowed money from many people in the village and failed to repay the same and he left his home and now residing in Mumbai. The respondent police is also taking steps to trace the boy from Mumbai also.

3. Considering the above facts, the second respondent police is directed to proceed with the investigation and secure the detenu and produce before the concerned jurisdictional Magistrate as early as possible. On such production, the concerned jurisdictional Magistrate is directed to pass suitable orders, regarding the custody of the detenu, in accordance with law.

4. With the above directions, the Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

cm

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,
The State of Tamil Nadu,
O/o The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Tiruchendur Police Station,
Tiruchendur,
Thoothukudi District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Judicial Magistrate,
Tiruchendur.

H.C.P. (MD) No.1183 of 2021

21.09.2021

RK (04.10.2021) 3P 5C