



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1276 of 2021

Marthal

... Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Deputy Superintendent of Police,
Kanyakumari District,
Kanyakumari.

3.The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.

... 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 to produce body or person of the petitioners son detenu namely G.Rubystar, S/o. Gnanaprakasam, aged about 42 year before this Court set him at liberty.

For Petitioner : Mr.K.Ramamurthy
For R 1 to 3 : Mr.A.Thiruvadi Kumar
Addl.Public Prosecutor

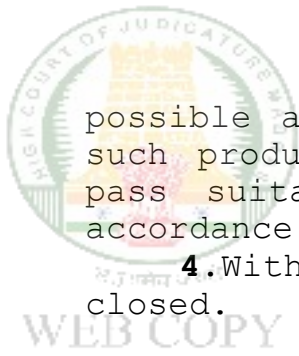
O R D E R

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

Alleging that the petitioner's son, by name, Rubystar, aged about 42 years, found missing from 20.02.2021, the petitioner has given a complaint before the 3rd respondent police. Since no action has been taken, the present Habeas Corpus Petition has been filed.

2.Earlier Notice ordered. Today, Mr.A.Thiruvadikumar, the learned Additional Public Prosecutor, on instructions, submitted that the detenu is a married man and due to some matrimonial dispute between the detenu and his wife, the detenu left the home. The whereabouts of the detenu is not known and they are continuing the investigation.

3.Considering the submissions, sine the detenu is found missing for more than 6 months, the third respondent police is directed to proceed with the investigation, secure the detenu as early as



possible and produce before the concerned Judicial Magistrate. On such production, the concerned Judicial Magistrate is directed to pass suitable orders regarding the custody of the detinue, in accordance with law.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Chief Judicial Magistrate,
Kanyakumari District.
2. The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
3. The Deputy Superintendent of Police,
Kanyakumari District,
Kanyakumari.
4. The Inspector of Police,
Asaripallam Police Station,
Kanyakumari District.
5. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
6. The Judicial Magistrate No-I,
Nagercoil.

H.C.P. (MD) No.1276 of 2021

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RS (27.09.2021) 2P 7C