



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

H.C.P. (MD) No.1439 of 2021

WEB COPY

Rajamani

... Petitioner/Mother of the detenue

-vs-

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

2.The Inspector of Police,
Nagar Police Station,
Arupukottai,
Virudhunagar District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus, directing the respondents 1 and 2 to produce the person or body of the detenue namely Boominathan, S/o.Lakshmanan, aged about 35 years old, before this court and set him at liberty.

For Petitioner : Mr.S.J.Chakkaravarthy

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 Boominathan, aged about 35 years, was found missing, the petitioner has given a complaint before the second respondent police. But, so far no action has been taken by the second respondent to secure the detenu. Hence, the present Habeas Corpus Petition has been filed.

2.Mr.S.Ravi, learned Additional Public Prosecutor on instructions would submit that the detenu is an accused in a murder case and the trial is pending in S.C.No.134 of 2016, on the file of Mahila Court, Tirupur, and the detenu is absconding, a Non-Bailable Warrant is issued against him and the same is pending for execution.



3.Considering the above said facts, the detenu is an absconding accused and he is not illegally detained as alleged by the petitioner. Hence, the Habeas Corpus Petition is not maintainable and the same is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Nagar Police Station,
Arupukottai,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P. (MD) No.1439 of 2021
28.09.2021

MA (CO)
RS (07.10.2021) 2P 4C