



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.1634 of 2021

Oorkavalan

... Petitioner

-vs-

1.The Superintendent of Police
Sivagangai District
Sivagangai

2.The Inspector of Police
Thiruppuvanam Police Station
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 to produce the body or person of the detenu namely Shenbagapandian, son of Oorkavalan, aged about 30 years, who is the son of the petitioner before this Court and consequently to set the detenu at his liberty.

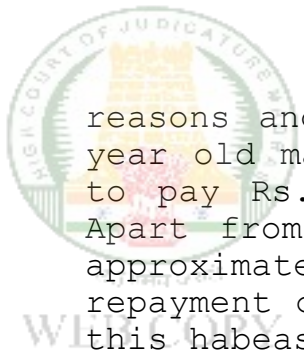
For Petitioner : No appearance
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.
and
DR.G.JAYACHANDRAN, J.

The petitioner, who is aged about 67 years, has approached this Court stating that his son Shenbagapandian, aged about 30 years, is found missing and that a complaint has been given in that regard to the respondent Police in C.S.R.No.12 of 2021 on 14.07.2021.

2. After issuance of notice, the detenu Shenbagapandian has been produced before this Court by the respondent Police. According to the detenu, he has gone to Chennai in search of job and that he is not in a position to stay along with his family due to personal



reasons and that he is willing to meet his parents, wife and 1 ½ year old male child periodically at least once in a month and also to pay Rs.10,000/- to his wife to meet out the family expenses. Apart from that, he has also agreed to repay the loan amount of approximately Rs.2,00,000/- borrowed on his behalf, even though the repayment of loan amount etc., are not in issue to be considered in this habeas corpus petition.

3. Though the petitioner has furnished his mobile number of his son / detenu as 8680935563 in the affidavit, the wife of the detenu has stated that the said mobile number is always in switched off mode and could not be reachable. In reply to the same, the detenu submitted that he will ensure that his mobile number will hereafter be kept in reachable position and that he will be in touch with his wife and family members over phone. It is directed that the detenu shall not change his Mobile Number and there is no bar for changing the Service Provider without altering the number.

4. Taking note of the family circumstances of the Petitioner and in the interest of the male child aged about 1½ year and the wife of the detenu, this Habeas Corpus Petition is closed, by recording the statement made by the detenu. The Petitioner and the wife of the detenu are granted liberty to work out their remedy before the appropriate Forum in accordance with law, if so advised. Since the detenu has agreed to pay Rs.10,000/- every month to ensure a decent standard of living of the child and wife in the society, this Court is not expressing any other views and we have given liberty to the parties to work out their remedy in accordance with law.

Sd/-

Assistant Registrar (CS-I)

// 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.

krk

To:

1.The Superintendent of Police
Sivagangai District
Sivagangai



H.C.P(MD) No.1634 of 2021

2.The Inspector of Police
Thiruppuvanam Police Station
Sivagangai District

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

H.C.P. (MD) No.1634 of 2021
16.11.2021

AC (CO)
KB (26.11.2021) 3P 4C