



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE MR.JUSTICE DR.G.JAYACHANDRAN
H.C.P.(MD) Nos.1756 & 1757 of 2021

Latha ... Petitioner in H.C.P(MD)No.1756 of 2021

Lakshmi ... Petitioner in H.C.P(MD)No.1757 of 2021

-vs-

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

2.The Superintendent of Police,
Ariyalur District,
Ariyalur.

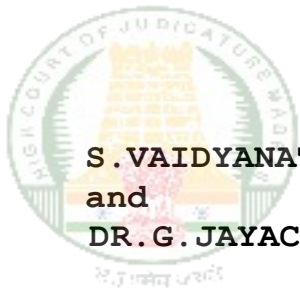
3.The Inspector of Police,
Thanjavur Medical College Hospital Police Station,
Thanjavur.

4.The Inspector of Police,
Pattukottai Police Station,
Thanjavur.

... Respondents in both HCPs

PRAYER: Petitions filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, directing the respondents to produce the body of person of the petitioners husbands named Sivanantham, son of Chinnadurai, aged about 43 years old and Senthil, son of Chinnadurai, aged about 46 years old before this Court and set them at liberty.

For Petitioners	: Mr.V.Illanchezian
For Respondents	: Mr.S.Ravi
	Additional Public Prosecutor



COMMON ORDER

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

These Habeas Corpus Petitions have been filed by the petitioners alleging that their husbands, namely, Sivanantham and Senthil were taken by the fourth respondent police on 20.11.2021 at about 05.00 p.m., and there is no information regarding whereabouts of them. It is alleged that the two detenues were illegally taken by the respondents to extract money or they will foist a false case. Therefore, on 21.11.2021, representations were given to the respondents 1 & 2 and thereafter, petitions for Habeas Corpus have been filed on 23.11.2021.

2.The learned Additional Public Prosecutor appearing for the respondents would submit that husband of the petitioners were arrested on 23.11.2021 at 13.00 hours during vehicle check-up for the alleged offences punishable under Sections 457 and 380 of IPC in Cr.No.1127 of 2021, on the file of the Thanjavur Medical College Police Station and they were remanded to judicial custody by the learned Judicial Magistrate No.II, Thanjavur, on 24.11.2021. The learned Additional Public Prosecutor would further submit that it is not correct to say that the above said two persons were detained by the police on 20.11.2021 illegally. Soon after the arrest of the detenues, the petitioners herein, who are their wife, were intimated through SMS. A copy of the arrest memo furnished by the learned Additional Public Prosecutor confirms the same.

3.This Court is of the view that since the detenues were already arrested by the police and presently, they are under the judicial custody, there is no reason to entertain these Habeas Corpus Petitions. Hence, these petitions are dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

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,
Thanjavur District,
Thanjavur.

2.The Superintendent of Police,
Ariyalur District,
Ariyalur.

3.The Inspector of Police,
Thanjavur Medical College Hospital Police Station,
Thanjavur.

4.The Inspector of Police,
Pattukottai Police Station,
Thanjavur.

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

H.C.P. (MD) Nos.1756 & 1757 of 2021
26.11.2021

RS (03.12.2021) 3P 6C