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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

H.C.P.NO.488 OF 2022

P.Thangam

... Petitioner

.Vs.

1. The Superintendent of Police,
Office of the Superintendent,
Erode, Erode District.
2. The Inspector of Police,
Office of the Inspector of Police,
Nambiyur Police Station,
Nambiyur Taluk,
Erode District.
3. Raja
4. Kavitha
5. Manickam
6. Maruthachalam
7. Subramaniam

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the 1st and 2nd respondents herein to produce the body and person of the detenu by name S.Prabakaran, S/o.Subramaniam, aged about 42 years, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Arivazhagan

For RR 1 and 2 : Mr.R.Muniyapparaj
Additional Public Prosecutor



ORDER

[Made by P.N.PRAKASH, J.]

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This habeas corpus petition has been filed seeking a direction to the 1st and 2nd respondents herein to produce the body and person of the detenu by name S.Prabakaran, S/o.Subramaniam, aged about 42 years, before this Court and set him at liberty forthwith.

2. It is the case of the petitioner that her husband Prabakaran, aged about 42 years, went missing from 17.10.2021 and thereafter, his whereabouts are not known. Alleging that the police are not taking effective steps to secure her husband, the present habeas corpus petition has been filed by the petitioner.

3. Today, S.Sivakumar (Mobile No.9498174824), Sub-Inspector of Police, Nambiyur Police Station, Erode District, is present.

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Nambiyur Police Station Crime No. 236 of 2021 was registered on 22.10.2021 for 'man missing' and investigation is in progress.

5. Since the petitioner's husband is not in the illegal custody of the respondents herein, no writ of habeas corpus can be issued.

In such view of the matter, this habeas corpus petition stands closed with a direction to the Deputy Superintendent of Police, Gobichettipalayam Sub-Division, Erode District, to supervise the investigation in Nambiyur Police Station Crime No. 236 of 2021 and keep the petitioner informed of the developments, if any. As and when the detenu Prabakaran, aged about 42 years, is secured, he shall be produced before the Judicial Magistrate Court No.II, Gobichettipalayam, Erode District, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to custody in accordance with law.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nsd



To

1. The Judicial Magistrate No.II,
Gobichettipalayam,
Erode District.
2. The Deputy Superintendent of Police,
Gobichettipalayam Sub-Division,
Erode District.
3. The Superintendent of Police,
Office of the Superintendent,
Erode, Erode District.
4. The Inspector of Police,
Office of the Inspector of Police,
Nambiyur Police Station,
Nambiyur Taluk,
Erode District.
5. The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.S.Arivazhagan, Advocate, S.R.No.20792

H.C.P.NO.488 OF 2022

PL (CO)
PBS/06/04/2022