



WEB COPY



H.C.P.No.1997 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.12.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

H.C.P.No.1997 of 2022

Jayalakshmi

.. Petitioner

Vs.

1.The Superintendent of Police
O/o.The Superintendent of Police
Villupuram

2.The State rep. by
The Inspector of Police
Gingee Police Station
Villupuram District

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondent to produce the petitioner's son S.Pradeep, aged 22 years, S/o.Shanmugam bodily or in person before this Court and set him at liberty.

For Petitioner : Mr.M.Mariappan

For Respondents : Mr.R.Muniyapparaj

Additional Public Prosecutor

ORDER



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

On 12.10.2022, this Court passed the following order:

“It is the case of the petitioner that her younger son Pradeep, aged about 22 years, was arrested by the police in Vellimedupettai Police Station Crime No.80 of 2022 for the offences under Sections 147, 148, 326 and 307 IPC on 28.06.2022 and was thereafter, released on bail on the orders of the learned Principal District and Sessions Judge, Villupuram, in C.M.P.No.5388 of 2022 on 27.07.2022, on condition that he should appear before the police twice daily at 10.00 a.m. and 5.00 p.m. While that being so, the petitioner's son went to the police station on 13.09.2022, but, did not return. Hence, the petitioner has preferred the present habeas corpus petition.

2.Today, K.Anandan (Mobile No.94442 25120), Sub-Inspector of Police, Gingee Police Station, Villupuram District, is present.

3.On instructions, the learned Additional Public Prosecutor submitted that the petitioner's son appeared before the Station House Officer, Vellimedupettai Police Station, at 10.00 a.m. on 13.09.2022, but, did not come for signing in the afternoon. He also submitted that on a complaint given by the petitioner, a case in Gingee Police Station Crime No.449 of 2022 has been registered on 19.09.2022 for 'man missing' and investigation is in progress.

4.In such view of the matter, this Court issues a direction to the Deputy Superintendent of Police, Gingee Sub-Division, Villupuram District, to supervise the investigation in Crime No.449 of 2022 that is being conducted by the Inspector of Police, Gingee Police Station and keep the petitioner informed of the developments, if any. As and when the detenu viz., Pradeep, aged about 22 years, is secured, he shall be produced before the Judicial Magistrate Court,



WEB COPY



H.C.P.No.1997 of 2022

Gingee, Villupuram District, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to the custody in accordance with law. Post the matter on 23.11.2022.”

2. Today, Ms.A.Thangam, Inspector of Police, D-1 Gingee Police Station, is present before this Court.

3. On instructions, the learned Additional Public Prosecutor submitted that the enquiry conducted by the police in the adjoining prisons revealed that the detenu has not been remanded in any case.

4. In such view of the matter, it cannot be stated that the detenu is in the illegal custody of the respondents for issuance of a writ of habeas corpus. However, this habeas corpus petition stands closed with a direction to the respondents to follow the directions issued by this Court *vide* order dated 12.10.2022, as and when the detenu is secured.

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[P.N.P., J.] [N.A.V., J.]
21.12.2022
P.N.PRAKASH, J.
AND
N.ANAND VENKATESH, J.



WEB COPY



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To

1.The Judicial Magistrate
Gingee, Villupuram District

2.The Superintendent of Police
O/o.The Superintendent of Police
Villupuram

H.C.P.No.1997 of 2022

3.The Deputy Superintendent of Police
Gingee Sub-Division
Villupuram District

4.The Inspector of Police
Gingee Police Station
Villupuram District
(Crime No.449 of 2022)

5.The Public Prosecutor
High Court, Madras

21.12.2022