



WEB COPY



H.C.P.No.2321 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

H.C.P.No.2321 of 2022

Umarani

.. Petitioner

Vs

1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Adyar, LB Road, Adyar, Chennai – 600 020.

2.The Inspector of Police,
J-1, Saidapet Police Station,
Anna Salai, Chennai – 600 015.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent to produce the body of the petitioner's son P.Rokesh, aged 36 years, before this Court and set him at liberty.



WEB COPY



H.C.P.No.2321 of 2022

For Petitioner : Mr.P.Venkatraman

For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor

ORDER

(Made by *P.N.PRAKASH, J.*)

This habeas corpus petition has been filed by the petitioner seeking a direction to the second respondent to produce her son P.Rokesh, aged 36 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her son Rokesh, aged about 36 years, went missing from 16.09.2022 and that the police are not taking effective steps to secure him.

3. Today, M.Ravi (Mobile No.94981 04318), Sub-Inspector of Police, J-1, Saidapet Police Station, Chennai, is present.



H.C.P.No.2321 of 2022

4. On instructions, the learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, initially, a petition enquiry in C.S.R.No.716 of 2022 was registered on 17.09.2022 and now, a regular FIR in Saidapet Police Station Crime No.385 of 2022 has been registered on 15.11.2022 for “man-missing” and during the course of investigation, it came to light that Rokesh had borrowed heavily to the tune of Rs.15,00,000/- from neighbours and has absconded, as he was not able to repay the loans.

5. In such view of the matter, it cannot be stated that the detenu Rokesh, aged about 36 years, is in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

6. However, we direct the Assistant Commissioner of Police, Saidapet Range, Chennai, to supervise in the investigation in Crime No.385 of 2022 that is being conducted by the Inspector of Police, Saidapet Police Station, Chennai and keep the petitioner informed of the developments, if any. As and when the detenu Rokesh, aged about 36 years, is secured, he



H.C.P.No.2321 of 2022

shall be produced before the IX Metropolitan Magistrate Court, Saidapet, Chennai, under intimation to the petitioner. On such production, the learned Magistrate may pass appropriate orders with regard to custody in accordance with law.

With the above directions, this habeas corpus petition stands closed.

(P.N.P., J.) (TKRJ)
16.11.2022

nsd



H.C.P.No.2321 of 2022

WEB COPY

To

- 1.The IX Metropolitan Magistrate,
Saidapet, Chennai.
- 2.The Assistant Commissioner of Police,
Saidapet Range,
Chennai.
- 3.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Adyar, LB Road, Adyar, Chennai – 600 020.
- 4.The Inspector of Police,
J-1, Saidapet Police Station,
Anna Salai, Chennai – 600 015.
- 5.The Public Prosecutor,
Madras High Court.



WEB COPY



H.C.P.No.2321 of 2022

P.N.PRAKASH, J.
and
RMT.TEEKAA RAMAN, J.

nsd

H.C.P.No.2321 of 2022

16.11.2022