



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.(MD) No.28 of 2022

Sakthivel

... Petitioner/Brother of the Detenu

-Vs-

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

2.The Inspector of Police,
Palanichettipatty Police Station,
Theni District, Theni.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the respondents to secure the petitioner's brother by name Lakshmanan, S/o.Palanisamy, aged about 36 years and produce him in person or his body and set him at liberty.

For Petitioner : No Appearance
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

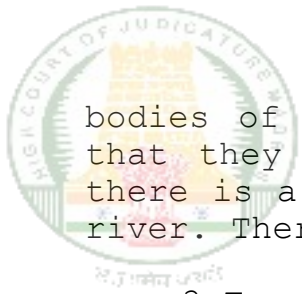
R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The petitioner seeks production of the person of his brother, namely, Lakshmanan, S/o.Palanisamy, aged about 36 years. According to the petitioner, the said Lakshmanan, who is a mentally ill person, had gone missing from 15.12.2021. Complaining inaction on the part of the police, pursuant to his complaint, which is registered in Crime No.540 of 2021 on 18.12.2021, the petitioner has come up with this Habeas Corpus Petition.

2.Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the detenu is a mentally ill person, he is always found roaming on the street and also suffers from fits occasionally. He would further add that there was a heavy rain in the area on 15.12.2021, when the detenu is said to have gone missing. Certain unclaimed



bodies of the same age were found and upon enquiry, it was found that they are not of the detainee. He would further submit that there is a possibility of the detainee having been swept away in the river. Therefore, the body becomes untraceable.

3. From the report of the jurisdictional police, we find that they are taking all possible steps to trace the detainee. They had also made publication and distributed pamphlets in the area and they had also attempted to match the unidentified bodies and they have not been successful.

4. Considering the fact that the detainee is a mentally ill person and he does not carry any mobile phone or ATM card, tracing him is to a herculean task. On being satisfied with the efforts of the jurisdictional police to trace the detainee, we do not think that this Habeas Corpus Petition should be kept pending. We, therefore, close this petition and direct the jurisdictional police to continue the investigation to its logical conclusion and keep the petitioner inform about the developments. Accordingly, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
Theni District, Theni.
2. The Inspector of Police,
Palanichettipatty Police Station,
Theni District, Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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RS (19.05.2022) 2P-4C