



H.C.P.(MD)No.967 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.(MD)No.967 of 2022

S.Lakshmi

: Petitioner

Vs.

1.The Commissioner of Police,
Trichy District.

2.The Inspector of Police,
Government Hospital Police Station,
Trichy City.

3.Harisha

: Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents 1 and 2 herein to produce the body or person of the petitioner's son John Bosco aged 42 years and produce him before this Court and set him at liberty.



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For Petitioner : Mr.M.Shakul Hameed
For Respondents 1&2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.HEMALATHA, J.]

It is the case of the petitioner that her son John Bosco aged about 42 years went missing from 01.06.2022 and that the police are not taking effective steps to secure him. Hence, the petitioner has filed the present Habeas Corpus Petition with the above prayer.

2.Heard Mr.M.Shakul Hameed, learned Counsel appearing for the petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor who accepts notice on behalf of the respondents 1 & 2.

3.Today, Ms.P.Aruljothi [Mobile No.7871772777] Inspector of Police, Government Hospital Police Station, Trichy District, is present before this Court.



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4.On instructions, learned Additional Public Prosecutor submitted that on the complaint given by one Harisha, the wife of John Bosco, a case in Government Hospital Police Station, Trichy City in Crime No.279 of 2022 has been registered on 04.06.2022 for 'man missing'. During the course of investigation, it came to light that even Harisha has gone missing after having lodged the complaint.

5.It is not the case of the petitioner that her son is in the illegal custody of respondents 1 and 2. Hence, a Writ of Habeas Corpus cannot be issued. However, we direct the Assistant Commissioner of Police, Thillai Nagar, Trichy District, to supervise the investigation that is being conducted by the Inspector of Police, Government Hospital Police Station, Trichy City, in Crime No.279 of 2022 and keep the petitioner informed of the developments, if any. As and when the detainee John Bosco aged about 42 years is secured, he shall be produced before the learned Judicial Magistrate IV, Trichy, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.



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6.Accordingly, this Habeas Corpus Petition is closed.

[P.N.P.,J.] & [R.H.,J.]

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Index : Yes/No

Internet : Yes/No

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To

1.The Judicial Magistrate IV,
Trichy.

2.The Commissioner of Police,
Trichy City.

3.The Assistant Commissioner of Police,
Thillai Nagar,
Trichy District.

4.The Inspector of Police,
Government Hospital Police Station,
Trichy City.

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



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P.N.PRAKASH, J.
and
R.HEMALATHA, J.

MR

ORDER MADE IN
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24.06.2022