



H.C.P.(MD) No.1096 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

H.C.P.(MD) No.1096 of 2022

S.Kirija

... Petitioner

-VS-

- 1.The Secretary,
Union Government of India,
Ministry of Overseas Indian Affairs,
10th Floor, Akbar Bhavan,
Chanakyapuri, New Delhi – 110 021.
2. The Secretary,
Union Government of India,
Ministry of External Affairs,
Patiala House Annex,
Tilag Marg, New Delhi.
- 3.The High Commissioner,
Indian Embassy (KSA),
New Delhi.



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- 4.The Secretary,
Home Department,
Fort St.George,
Chennai.
- 5.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 6.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 7.Abdul Rahman.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 to 6 to produce the body or person of the petitioner's husband / detenue namely Sarathkumar, S/o.Velu, aged about 30 years, before this Court and set him at liberty.

For Petitioner : Mr.M.Pandian

For Respondents : Ms.L.Victoria Gowri,
Assistant Solicitor General for R1 to R3

Mr.T.Senthil Kumar,
Additional Public Prosecutor for R4 to R7



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4. Today, when the matter was taken up for hearing, Mr.T.Senthil Kumar, learned Additional Public Prosecutor submitted that the representation dated 29.06.2022 that was given by the petitioner was forwarded by the District Collector, Ramanathapuram, vide Roc.C4/32654/2022, dated 30.06.2022, to the Director, Commissionerate of Rehabilitation and Welfare of Non-Resident Tamils, Chepauk, Chennai 600 005, for appropriate action.

5. However, the learned Assistant Solicitor General filed a communication from Mr.Bibhuti Nath Pandey, Second Secretary (Jail & Tarheel), Community Welfare Wing, Embassy of India, Riyadh, Saudi Arabia, dated 05.08.2022, addressed to the Office of the Assistant Solicitor General, which reads as under:-

“Embassy officials visited the Riyadh Jail and met Shri Sarath Kumar Velu on 2.8.2022 upon getting the consular access from the local authority. He has been detained there since 14.6.2022 on the charges of smuggling of narcotic substance. His case is under investigation.”



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6. A reading of the above shows that the petitioner's husband has been arrested in connection with a drug case and he is lodged in a prison in Riyadh (Saudi Arabia).

7. We also find that the officials of the Embassy of India have met him on 02.08.2022 after getting Consular access from the local authority. We place on record our appreciation to the officials of the Indian Embassy at Riyadh, Saudi Arabia, for the prompt action taken by them in this regard.

8. In the light of the above, it cannot be stated that the petitioner's husband is in the illegal custody of the respondents warranting issuance of a writ of habeas corpus. Accordingly, this habeas corpus petition stands closed.

[P.N.P., J.] [R.V., J.]
12.08.2022

Index : Yes / No
Internet : Yes / No
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- 7.Mr.Bibhuti Nath Pandey,
Second Secretary (Jail & Tarheel),
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