



H.C.P.(MD) No.1330 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.1330 of 2022

P.Mari

... Petitioner

-VS-

1.The superintendent of Police,
Thoothukudi,
Thoothukudi District.

2.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the person or body of the petitioner's son namely P.Babu Sankar S/o.Palraj, aged about 39 years and produce before this Court and set him at liberty.



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For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

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

This habeas corpus petition has been filed seeking to direct the respondents to produce the body or person of the petitioner's son, namely, Babu Sankar, son of Palraj, aged about 39 years, before this Court and set him at liberty.

2. It is the case of the petitioner that her son Babu Sankar, aged about 39 years, who is working as a Taluk Surveyor in Thisayanvilai Taluk, Thoothukudi District, went missing from 10.03.2022 and that the police are not taking effective steps to secure him. Hence, the present habeas corpus petition with the above prayer.

3. On instructions, learned Additional Public Prosecutor submitted that on a complaint given by the petitioner, a case in Nazareth Police Station Crime No.91 of 2022 has been registered on 15.03.2022 for 'man-missing' and investigation is in progress.



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4. In such view of the matter, it cannot be stated that the petitioner's son is in the illegal custody of the respondents herein for the issuance of a writ of habeas corpus.

5. Hence, this habeas corpus petition stands closed. However, we direct the Deputy Superintendent of Police, Sathankulam Subdivision, to supervise the investigation in Nazareth Police Station Crime No.91 of 2022 and keep the petitioner informed of the developments, if any. As and when the detenu Babu Sankar, aged about 39 years, is secured, he shall be produced before the Judicial Magistrate Court, Sathankulam, under intimation to the petitioner and learned Judicial Magistrate shall pass appropriate orders with regard to custody in accordance with law.

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

Index : Yes / No
Internet : Yes / No
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P.N.PRAKASH, J.
and
R.VIJAYAKUMAR, J.

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To:

- 1.The superintendent of Police,
Thoothukudi,
Thoothukudi District.
- 2.The Inspector of Police,
Nazareth Police Station,
Thoothukudi District.
- 3.The Deputy Inspector of Police,
Sathankulam Subdivision,
Thoothukudi District.
- 4.The Judicial Magistrate,
Sathankulam, Thoothukudi.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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