



HCP(MD)No.1797 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.11.2022

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**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH**

H.C.P.(MD)No.1797 of 2022

Shakeela Banu

.. Petitioner /Wife of the
detenu

Vs.

State rep by

1.The Superintendent of Police,
District Superintendent of Police Officer,
Karur District.

2.The Inspector of Police,
Thogamalai Police Station,
Karur District.

3.The Inspector of Police,
District Crime Branch Police Station(Special Team)
Thanjavur District. .. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents herein to produce the body of person of the petitioner's husband namely Babu @ D.Yasudass @ Samsudeen, son of Dharaman aged about 37 years before this Court and set him at liberty.



HCP(MD)No.1797 of 2022

For Petitioner :Mr.B.Jameel Arasu
For Respondents :Mr.A.Thiruvadikumar,
Additional Public Prosecutor

ORDER

M.S.RAMESH,J.
and
N. ANAND VENKATESH,J.

When the matter came up for hearing on 01.11.2022, this Court passed the following order.

“Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor takes notice on behalf of the respondents.

2.The wife has filed this petition seeking for a direction to the respondent police to produce the body of her husband, Babu @ D.Yasudass @ Samsudeen, who is said to have been taken away into the illegal custody of the police on 19.10.2022.

3.The learned Additional Public Prosecutor, on instructions, submitted that the detenu was not taken away by the second or the third respondents. However, he seeks for some more time in order to ascertain the whereabouts of the detenu.

4.Post this Habeas Corpus Petition on 08.11.2022.”



HCP(MD)No.1797 of 2022

2. When the matter was taken up for hearing today, the learned Additional Public Prosecutor, on written instructions, submitted that the detenu was an accused in two cases in Crime Nos. 285 and 306 of 2022, which were registered by the Ganesh Nagar Police Station, Pudukkottai. The detenu was arrested and he was remanded to Judicial custody by the learned Judicial Magistrate No. 1, Pudukkottai on 30.10.2022. A copy of the remand petition was also produced before this Court.

3. The learned counsel for the petitioner submitted that the detenu was taken into illegal custody on 19.10.2022 and whereas, he was produced for remand only on 30.10.2022 and therefore, he was kept in illegal custody till then.

4. In the considered view of this Court, we do not want to go into the issues raised by the learned counsel for the petitioner. If really the detenu was in illegal custody from 19.10.2022, the same should have been mentioned before the concerned Magistrate at the time of remand and it will be more appropriate for the Magistrate, who has remanded the detenu to take into consideration the said fact.



HCP(MD)No.1797 of 2022

5.Except giving this clarity, no further orders can be passed in this

Habeas Corpus Petition. This petition is disposed of accordingly.

(M.S.R.,J.) (N.A.V.,J.)
08.11.2022

Index : Yes/No

Internet : Yes

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To

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District Superintendent of Police Officer,
Karur District.

2.The Inspector of Police,
Thogamalai Police Station,
Karur District.

3.The Inspector of Police,
District Crime Branch Police Station(Special Team)
Thanjavur District.

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



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