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H.C.P.No.867 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.867 of 2023

Sathiya

..

Petitioner

Vs.

1. The Commissioner of Police
Salem

2. The Inspector of Police
Sooramangalam Police Station
Salem City

..

Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent herein to secure the petitioner husband, namely Elangovan, son of Moorthy, aged about 35 years and produce him before this Court and set him at liberty.

For Petitioner : Ms.D.Jeevitha

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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ORDER

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[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity, convenience and clarity].

2. When the matter was taken up, Ms.D.Jeevitha (Enrollment No.1402/2020), learned counsel on record for petitioner and Mr.E.Raj Thilak, learned State Additional Public Prosecutor for both the respondents (instructed by Mr.V.Balasubramaniam, Sub-Inspector of Police, Suramangalam Police Station, Salem City) are before us.

3. Captioned HCP was presented in this Court on 24.04.2023 saying that petitioner's spouse one Thiru.Elangovan, son of Thiru.Moorthy, aged 36 years is missing; that a complaint has been lodged with the jurisdictional Police Station, namely Sooramangalam Police Station, Salem City; that the complaint has been taken on file as FIR No.780 of 2022 dated 14.12.2022 (man missing).



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4. A perusal of the support affidavit qua captioned HCP brings to light

that even according to the petitioner, there is no allegation of illegal custody or unlawful detention but it may not be necessary to go into the same as even according to the learned counsel on record for petitioner, the petitioner's spouse, who shall hereinafter be referred to as 'absentee' solely for the sake of convenience was produced by the second respondent before the jurisdictional Magistrate i.e., Judicial Magistrate II, Salem who has recorded the statement of the absentee.

5. The statement recorded by learned Judicial Magistrate II, Salem (statement dated 09.07.2023) at his residence at 07.07 pm has been placed before us, having perused the same, we deem it appropriate to place on record our appreciation for the meticulous manner and good language in which learned Judicial Magistrate II, Salem has recorded the statement and made the proceedings. We find that the second respondent (Inspector of Police, Sooramangalam Police Station) has also done the needful promptly.



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6. Be that as it may, learned counsel on record for the habeas corpus petitioner Ms.D.Jeevitha also reiterates that the needful has been done and learned counsel has made an endorsement in the case file. A scanned reproduction of the endorsement made by learned counsel for habeas corpus petitioner is as follows:

The Documents Produced before
learned Counsel
kindly closed the case
Counsel D. Jeevitha 21/8/23
D. JEEVITHA (1402/2023)
Ms. I

In the light of the narrative thus far, captioned HCP is disposed of as closed placing on record our appreciation / good comments for jurisdictional Judicial Magistrate and second respondent in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
21.08.2023

gpa

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To

1. The Commissioner of Police
Salem
2. The Inspector of Police
Sooramangalam Police Station
Salem City
3. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

gpa

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