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H.C.P.No.954 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

H.C.P.No.954 of 2023

Saraswathi
W/o.Anandan

.. Petitioner

Vs.

1. The Commissioner of Police
Avadi Police Commissionerate
Avadi, Chennai.

2. The Inspector of Police
T-6, Avadi Police Station
Avadi, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to produce the petitioner's son named Sanjeeth Kumar, aged about 21 years, S/o.Anandan (Late), now under illegal detention and set him at liberty.

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For Petitioner : Mr.T.Elumalai
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by
Mr.Sylvester John
Advocate

ORDER

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

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

2. The central theme of the captioned HCP is, petitioner's son one 'Sanjeeth Kumar, aged 21 years' [hereinafter 'absentee' for the sake of convenience and clarity] is missing from 14.11.2022, a complaint in this regard has been lodged by the petitioner with jurisdictional police (second respondent), the same has been taken on record as Crime No.817 of 2022 on the file of second respondent and the absentee has not been located as yet.

3. Issue notice.

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4. Mr.R.Muniyapparaj, learned Additional Public Prosecutor (assisted

by learned counsel Mr.Sylvester John) accepts notice for both respondents and submits on instructions (instructed by Ms.V.J.Prema, Sub-Inspector of Police, T-6 Avadi Police Station, Chennai) that pursuant to the aforementioned complaint dated 15.11.2022 (Crime No.817 of 2022), investigation was kick started, a special team has been formed, a Special Sub-Inspector of Police is heading the team, investigation thus far does not show any trappings of illegal custody or unlawful detention and the jurisdictional police is hopeful of locating the absentee in four weeks from today i.e., by 05.07.2023.

5. Let the investigation proceed in accordance with law uninfluenced by this HCP.

6. On the absentee being located, let the absentee be produced before the jurisdictional Magistrate with prior intimation to the petitioner (absentee's mother). The jurisdictional Magistrate to proceed in accordance with law. We are informed that the jurisdictional Magistrate is Judicial Magistrate No.II, Poonamallee.



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7. If there is undue delay or if there is any other development, we make it clear that all the rights and contentions of the petitioner or anyone concerned for the absentee are preserved and left open for being raised in collateral or similar proceedings. Further we make it clear that it is open to the petitioner to come back to this Court not only with a similar but even same prayer if the need arises. All the rights of all concerned are preserved.

8. Captioned HCP is disposed of with the aforementioned observations / directives. There shall be no order as to costs.

(M.S.,J.)

(K.G.T.,J.)

07.06.2023

Index : Yes

Speaking

Neutral Citation : Yes

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To

1. The Commissioner of Police
Avadi Police Commissionerate
Avadi, Chennai.
2. The Inspector of Police
T-6, Avadi Police Station
Avadi, Chennai.
3. The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

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