



H.C.P.No.1249 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.1249 of 2023

Hydharali

.. Petitioner

Vs

1.The Commissioner of Police,
Commissioner of Police Office,
Coimbatore City Huzur Road,
Uppilipalayam, Coimbatore – 641 018.

2.The Superintendent of Police,
Coimbatore Central Prison,
Gandhipuram, Coimbatore – 641 018.

3.The SSI of Police,
Kuniamuthur Police Station,
Coimbatore.

4.The Dean,
Coimbatore Medical College and Hospital,
Coimbatore - 641 018.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus directing the 2nd
respondent to produce the body or person of the petitioner's son

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Annadher, age 26, from the illegal custody of 2nd respondent and set him at liberty.

For Petitioner : Mr.A.Raja Mohamed
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

When the captioned 'Habeas Corpus Petition' (hereinafter 'HCP' for the sake of brevity, convenience and clarity) is taken up, Mr.A.Raja Mohamed, learned counsel on record for the HCP petitioner and Mr.E.Raj Thilak, learned State Additional Public Prosecutor for respondents 1 to 4 are before us.

2. Adverting to earlier proceedings dated 13.07.2023, learned Prosecutor submitted that there are no CCTV cameras in the place of occurrence (to be noted 07.07.2023 22:00 hours is the date and time of alleged occurrence). Learned Prosecutor submitted that the CCTV footages in D4 Kuniamuthur Police Station, Coimbatore city for 07.07.2023 and 08.07.2023 are available and the same have been

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preserved (to be noted, learned Prosecutor is instructed by Mr.V.Baskaran, Inspector of Police, D4 Kuniamuthur Police Station, Coimbatore). Learned Prosecutor submitted that these CCTV footages for these two days will remain preserved for production and filing of report before the appropriate Court or Forum which is moved. This submission is recorded. As regards CCTV footage in Government Hospital is concerned, learned counsel for petitioner submits that the petitioner made an application under 'Right to Information Act, 2005' (hereinafter 'RTI Act' for the sake of brevity, convenience and clarity) but the Government Hospital Information Officer responded saying that the hospital is unable to give the same owing to pendency of captioned HCP. We make it clear that captioned HCP is being given a closure today in and by this order and it is only appropriate for Government hospital to respond to the RTI application on its own merits and in accordance with law *dehors* the captioned HCP or this order.

3. Pursuant to our proceedings/orders made on aforementioned 13.07.2023 listing, learned Prosecutor has placed before us status report from the first respondent (dated 17.07.2023) and the same is taken on file. To be noted, learned counsel on record for HCP

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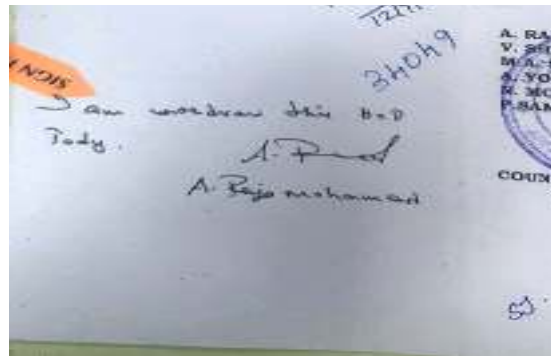
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petitioner has been favoured with a copy of this status report.

WEB COPY

4. In the light of the narrative thus far, learned counsel on record for HCP petitioner sought leave of this Court to withdraw the captioned HCP but made a plea that the rights of the petitioner's son and or anyone concerned for the petitioner's son for approaching any Court/s/Forum/Fora/Authority/Authorities more particularly Section 482 Cr.P.C. Court or 'State Human Rights Commission' (hereinafter 'SHRC' for the sake of brevity, convenience and clarity).

5. Learned counsel on record for HCP petitioner has made an endorsement in the case file and a scanned reproduction of the same is as follows:





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6. In the light of the aforementioned endorsement and reiteration of the same, captioned HCP is disposed of as closed/withdrawn albeit preserving the rights of the petitioner or anyone concerned for the petitioner's son to approach any Court/s/Forum/Fora/Authority/Authorities more particularly Section 482 Cr.P.C. Court or SHRC. If Court/s/Forum/Fora/Authority/Authorities/Section 482 Cr.P.C. Court or SHRC are approached, the Court concerned or the Commission concerned shall consider the matter on its own merits and in accordance with law *dehors* this HCP order which has been made for the limited purpose of giving a closure to the captioned HCP. It is also made clear that this Court has not expressed any view or opinion on the merits of the matter and therefore the SHRC or Section 482 Cr.P.C. Court or any other Court/Forum (if approached) shall consider the matter on its own merits and in accordance with law untrammelled by this order.

7. Captioned HCP is disposed of as closed/withdrawn albeit with



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the aforementioned observations and preservation of rights in the aforesaid manner.

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

Index : Yes/No
Neutral Citation : Yes/No
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To

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- 4.The Dean,
Coimbatore Medical College and Hospital,
Coimbatore - 641 018.
- 5.The Public Prosecutor,
High Court, Madras.



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

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