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H.C.P.No.1509 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.No.1509 of 2023

P.Kamala
W/o.Purusothaman

.. Petitioner

Vs.

1. State rep. by
The commissioner of Police
Coimbatore City
Coimbatore.
2. The Inspector of Police
C2, Race Course Police Station
Coimbatore.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the respondents to produce the detenu Diljith, son of Purushothaman, aged about 41 years before this Hon'ble Court and ensure safety and security and set him at liberty from police custody and detain him at Central Prison, Coimbatore.



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For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

When the matter was called, Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for both respondents.

2. Mr.R.Sankarasubbu, learned counsel on record for petitioner is before us and his grievance is no lawyer has been allowed to see the detenu. This is disputed by learned Prosecutor. However, learned Prosecutor, on instructions, submits that the detenu has now been taken to Government General Hospital, Coimbatore.

3. Learned counsel for petitioner submits that Mr.Prabhu, Advocate (Enrolment No.878 of 2016) went over to the police station to see the detenu but could not meet him.



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4. However, learned Prosecutor submits that learned counsel can meet the detenu in the hospital now. Learned counsel also submits that the detenu is being produced before jurisdictional Court (to be noted, jurisdictional Court is Judicial Magistrate No.III, Coimbatore) as police custody period is elapsing today. Learned Prosecutor submits that the detenu is to be produced before Judicial Magistrate No.III, Coimbatore at half past four today. It is open to the learned counsel to be present before jurisdictional Court.

5. As the remand order has in any case been made by learned Magistrate and as the detention was pursuant to the remand order, we deem it appropriate to drop the curtains on the captioned HCP but making it clear that all rights of the petitioner, detenu and / or anyone concerned for detenu are preserved to assail the remand order dated 31.07.2023 made in CrI.M.P.No.33549 of 2023 in PRC.No.131 of 2023 in Crime No.81 of 2023, extension of remand order dated 01.08.2023 in CrI.M.P.No.33549 of 2023 in PRC.No.131 of 2023 in Crime No.81 of 2023 and / or raise objections when the detenu is produced before the learned Magistrate today.



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

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6. This order will be uploaded in the official website and there is adequate provision to verify the authenticity as there is a QR code (besides watermarking). Any official/s or Court/s shall act on this order when uploaded in the official website of this Court (Madras High Court) without insisting on certified copy of the same.

7. Captioned HCP is disposed of as closed with the above observations.

(M.S.,J.)

(R.S.V.,J.)

04.08.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk

To

1. The Commissioner of Police
Coimbatore City, Coimbatore.
2. The Inspector of Police
C2, Race Course Police Station
Coimbatore.
3. The Public Prosecutor
High Court, Madras.

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