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H.C.P.No.2073 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM

**THE HONOURABLE MR. JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

H.C.P.No.2073 of 2023

Jeevanantham
S/o.Palanisamy

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District Police Office,
Nethimedu, Salem, Salem District.

2.The Inspector of Police,
Nangavalli Police Station,
Salem District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus directing the second respondent police to produce the petitioner's son Suryaprakash, aged about 25 years, before this Court and set him at liberty.

For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate



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ORDER

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

This petition has been filed seeking a direction to the second respondent police to produce the petitioner's son Suryaprakash, aged about 25 years, before this Court and set him at liberty.

2. It is the case of the petitioner that his son Suryaprakash is missing from 10.10.2023. Since the efforts of the petitioner to trace his son have ended in vain, he has lodged a complaint before the second respondent and the same was registered in Crime No.233 of 2023 on the file of Nangavalli Police Station for 'Man Missing'. Thereafter, the present petition has been filed seeking for the aforesaid relief.

3. Heard Mr.M.Senthilkumar, learned counsel for petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for respondents.

4. Learned Additional Public Prosecutor, on instructions, submitted



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that the respondents have gathered information that the detenu was seen with a lady, who is also missing.

5. It appears that this is a case of elopement. Since the detenu was seen with a lady, who is married and got a child, this Court is unable to find that it is a case of illegal detention.

Therefore, this Habeas Corpus Petition is closed with the following directions :

- (i) The respondents are directed to produce the detenu, as and when he is secured, before the jurisdictional Magistrate, i.e., Judicial Magistrate I, Mettur, within a period of three (3) weeks from the date of this order, with prior intimation to the petitioner.
- (ii) The learned Judicial Magistrate is requested to record statements of detenu and all concerned in accordance with law.
- (iii) 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 detenu are preserved and left open for being raised in



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collateral or similar proceedings (if any), as this Habeas Corpus Petition is being disposed of in the Admission Board. If there are any connected/collateral proceedings, such Court/s/Forum/Fora/ Authority/Authorities shall deal with the same on its own merits and in accordance with law untrammelled by this order which has been made for the limited purpose of giving a closure to this Habeas Corpus Petition on hand.

(iv)Further, we make it clear that it is open to the petitioner or anyone concerned for the detenu 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.

[S.S.S.R., J] [S.M., J]
08.11.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
gm

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Nethimedu, Salem, Salem District.
2. The Inspector of Police,
Nangavalli Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.



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