



H.C.P.(MD) No.311 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 06.03.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**

**AND**

**THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**H.C.P.(MD)No.311 of 2023**

K.Manimuthu

... Petitioner / Mother of the Detenue

Vs.

1.The Superintendent of Police,  
Sivagangai District, Sivagangai.

2.The Inspector of Police,  
Devakottai Taluk Police Station,  
Devakottai, Sivagangai District.

...Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the body or person of the detenue by namely, 1) Rameshkumar aged about 38 years S/o.Kannaiya, 2) Vijayakumar aged about 34 years S/o.Kannaiya before this Court and set them at liberty.



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For Petitioner : Mr.S.M.Sanjay

For Respondents : Mr.A.Thiruvadi Kumar,

Additional Public Prosecutor

### **ORDER**

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

The petitioner filed this Habeas Corpus Petition for production of her two sons, namely, Rameshkumar, aged about 38 years and Vijayakumar, aged about 34 years.

2.Pursuant to the said petition, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents has submitted that these two detenues were secured and arrested on 05.03.2023 in connection with the criminal case in Crime No.8 of 2023 on the file of the Devakottai Taluk Police Station for the alleged offences punishable under Sections 449, 302, 394, 397, 120B, 201 and 202 IPC. They were produced before the learned Judicial Magistrate, Devakottai and the learned Judicial Magistrate has remanded them for judicial custody. The report has also been produced before this Court for perusal.



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3. In view of the aforesaid, where there has been an arrest on 05.03.2023 against these two detainees, who have been arrested for the alleged offences punishable under various Sections, including Section 302 IPC, we feel that it cannot be treated as illegal custody or detention. Therefore, this petition is liable to be dismissed. Hence, this Habeas Corpus Petition is dismissed. With regard to the submissions made by the learned counsel appearing for the petitioner for the alleged illegal custody between 20.02.2023 to 05.03.2023, it is open to the petitioner to workout her remedy in the manner known to law.

**(R.S.K., J.) & (K.K.R.K., J.)**

**06.03.2023**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

*MYR*

To

1. The Superintendent of Police,  
Sivagangai District, Sivagangai.

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**R.SURESH KUMAR, J.**

**AND**

**K.K.RAMAKRISHNAN, J.**

*MYR*

2.The Inspector of Police,  
Devakottai Taluk Police Station,  
Devakottai, Sivagangai District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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**06.03.2023**