



H.C.P.(MD) No.509 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

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Rejitha

... Petitioner / Wife of the Detenue

Vs.

1.The Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, directing the 2nd respondent to produce the body or person of the detenue, namely, Sabin Kumar, S/o.Mariyadhasan, aged about 43 years before this Court and set him at liberty.

For Petitioner : Mr.Prabhu Selvakumar

For R1 and R2 : Mr.RMS.Sethuraman,
Additional Public Prosecutor

For Detenue : Mr.G.Ramanathan



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ORDER

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

The petitioner, seeking production of her husband, namely, Sabin Kumar, aged about 43 years, has filed this Habeas Corpus Petition.

2.The petitioner is the wife and the detenue is the husband. According to the allegation made in the affidavit filed in support of this petition, the detenue had been residing with the petitioner from 2019, after he returned back from foreign job and suddenly, from 29.04.2022 he left and since then, his whereabouts is not known to the petitioner. Therefore, this Habeas Corpus Petition has been filed.

3.Heard Mr.Prabhu Selvakumar, learned counsel appearing on behalf of the petitioner and Mr.G.Ramanathan, learned counsel appearing on behalf of the detenue.

4.The learned counsel for the detenue would submit that the detenue had been working in foreign Country as Mason for several years. Though he returned back to India for sometime in 2020 and he had been



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residing sometime in India, again he returned back to foreign Country and joined duty on 25.01.2023 and at present, he is working in Saudi Arabia and his mobile number is 00966598746141.

5.The learned Additional Public Prosecutor for the respondents would submit that already a divorce petition has been filed by the detainee before the Additional District Court, Takkalai, which is also pending and the next hearing date is 23.05.2023.

6.When these are all the facts, which have been brought before this Court by the learned counsel for the detainee as well as the learned Additional Public Prosecutor for the respondents, we feel that the detainee is not in illegal custody anywhere. Hence, recording the same, this Habeas Corpus Petition can be closed, accordingly, it is closed.

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

26.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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R.SURESH KUMAR, J.

AND

K.K.RAMAKRISHNAN, J.

MYR

To

1.The Superintendent of Police,
Kanniyakumari District.

2.The Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.

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

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