

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction
Wednesday, the Twenty First day of June Two Thousand and Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR

AND

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

HCP(MD). No.809 of 2019

V. Rajan Selvin

... Petitioner/Maternal Uncle

Vs

1 The Commissioner of Police
O/o. the Commissioner of Police
Palayamkottai, Tirunelveli City.

2 The Inspector of Police,
O/o. the Inspector of Police,
Perumalpura Police Station,
Tirunelveli City.

... Respondents/Respondents

Prayer :-

This Habeas Corpus Petition is filed under Article 227 of the constitution of India, to issue a Writ of Habeas Corpus, or any other writ or order or direction in the nature of Writ of Habeas Corpus directing the Respondents No. 1 and 2 to produce the body or person of detainee, the petitioners sisters minor son namely Aswinsamraj.

ORDER:-

This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.M.Maharajan, Advocate for the Petitioner and of Mr.A.Thiruvadi Kumar, Additional Public Prosecutor for the Respondents and Mr.veera Kathiravan, Senior Counsel(Court appointed Guardian, , this Court made the following order:

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

Pursuant to our last order dated 12.06.2023, today, Mr.Veera Kathiravan, learned Senior counsel and Court appointed guardian, has filed a compliance report by way of communication dated 16.06.2023, under which, he has sent a letter to the Registrar of this Bench stating that as per the directions of this Court, dated 12.06.2023, 12 documents related to the properties of Aswin Sam Jone.S, have been handed over to him in the presence of Mr.G.Kumaravel. Joint Registrar (Administration), Madurai Bench of Madras High Court, Madurai. That has also been acknowledged by Aswin Sam Jone.S, on 21.06.2023, which has been endorsed by the Registrar (Administration) of this Bench.

2.The Court appointed guardian would further submit that apart from these 12 documents three parent documents are also available, which are being handed over to the said boy in the course of the



day. That statement made by him is taken on record. The copy namely, Aswin Sam Jone.S, who also appeared before this Court has made a request that a sum of Rs.2,75,000/- has been deposited in fixed deposit in Indian Overseas Bank, Junction Branch, which would be matured on 01.08.2024.

3.However, he would submit that since the residential building, where he is residing are required to be undertaken repair works urgently, for the said reasons and to pay some tax dues payable to the local bodies and water connection given to the said house, he needs some money to the extent of 1.50 lakhs. Therefore, he wants permission to withdraw the said amount from and out of Rs.2.75 lakhs deposited in the afore-stated fixed deposit. The said plea made by Aswin Sam Jone.S. is taken on record.

4.In view of the same, by recording the compliance made by the Court appointed guardian by handing over the original documents to him, which has been acknowledged and vouched by the said Aswin Sam Jone.S. as well as the Joint Registrar (Administration) and Registrar (Administration) of this Court, that compliance also is taken on record.

5.In view of the afore-stated, we permit the said Aswin Sam Jone.S to withdraw a sum of Rs.1,50,000/- (Rupees one lakh fifty thousand only) from the fixed deposit mentioned hereinabove dated 05.08.2022 opened on 01.08.2022 in deposit receipt No.2017/NDRV0240221 for the said expenses. With regard to the further amount, it can be permitted to mature as per the conditions of the bank and thereafter, it is open to the said Aswin Sam Jone.S to utilise the fund for his welfare.

6.It is also brought to our notice that with regard to the alleged fraudulent sale of the property belong to Aswin Sam Jone.S, there has been a case registered in Crime No.234/2019 on the file of the Perumalpuram Police Station, Tirunelveli City, and is pending investigation. Therefore, the investigation can go on and after completing the same, charge sheet shall be filed before the concerned Court.

7.Since the Habeas Corpus Petition has already been closed, the Court appointed Guardian Mr.Veera Kathiravan, learned senior counsel, as well as Mr.Chandrakumar, local guardian as well as Child Welfare Officer are discharged from their duties. Their services rendered throughout is taken on record and appreciable.

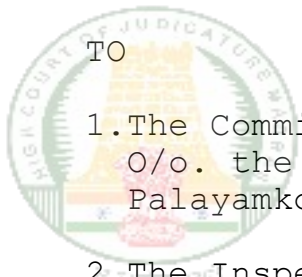
Sd/-

Assistant Registrar(CS-II)

// True Copy //

/07/2023

Sub Assistant Registrar(CS)



TO

1.The Commissioner of Police
O/o. the Commissioner of Police
Palayamkottai, Tirunelveli City.

2.The Inspector of Police,
O/o. the Inspector of Police,
Perumalpura Police Station,
Tirunelveli City.

Copy to:-

1.Mr.Chandra Kumar,
Chairman of District Child Welfare Committee,
Tirunelveli.

2.Mr.veerakathirvan,
Additional Advocate General,
(Court appointed Guardian)
Veera Illam,
East 4th Cross St.,
K.K.Nagar, Madurai-20.

3. The Joint Registrar(Admin)
Madurai Bench of Madras High Court, Madurai.

4. The Registrar(Admin),
Madurai Bench of Madras High Court, Madurai.

ORDER DATED : 21/06/2023

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ORDER

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HCP(MD) . No.809 of 2019
Giving direction and etc.
as stated within.

KB(05.07.2023) 3P 7C