



HCP(MD)No.1037 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.08.2023

CORAM

THE HON'BLE MR JUSTICE M.S.RAMESH

AND

THE HON'BLE MR JUSTICE M.NIRMAL KUMAR

H.C.P.(MD)No.1037 of 2023

Sathya Priya

... Petitioner / Wife of the Detenu

Vs.

1.State Rep. by

The Superintendent of Police,
Dindigul, Dindigul District.

2.The Inspector of Police,

Eriyodu Police Station,
Dindigul District.

3.The Superintendent,

Central Prison, Madurai.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the respondents to produce the person or body of the petitioner's husband, Sakthivel, S/o.Thirumalaisamy, aged about 53 years before this Court and set him at liberty.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.RMS.Sethuraman,
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

Apprehending that the petitioner's husband is in illegal custody of the respondent Police, since he was already released on bail by the Additional District Munsif Cum Judicial Magistrate Court, Vedasandur, in Cr.M.P.No.3694 of 2023, dated 24.07.2023, the present Habeas Corpus Petition has been filed.

2.Today, when the matter was called, the learned Additional Public Prosecutor for the respondents has produced a copy of the summons seeking



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attendance of the petitioner's husband before the learned 1st Additional Sessions Judge, Mangaluru in connection with Sessions Case No.97 of 2007, which arises out of Crime No.216 / 2004 on the file of the Mangaluru East Police Station. The summons is dated 10.07.2023 and the presence of the petitioner's husband was required on 15.07.2023. In continuance of this summons, the petitioner's husband was also remanded to the judicial custody by remand warrant dated 28.07.2023 and thus, he is in judicial custody as on date. If that be so, his detention cannot be termed to be an illegal custody. Hence, no effective order needs to be passed in this petition. Accordingly, this Habeas Corpus Petition is closed.

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

16.08.2023

NCC : Yes / No
Index : Yes / No

Yuva



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M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.

Yuva

To

- 1.The Superintendent of Police,
Dindigul, Dindigul District.
- 2.The Inspector of Police,
Eriyodu Police Station,
Dindigul District.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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