



H.C.P(MD)No.1303 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.10.2023

Coram

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR. JUSTICE R.SAKTHIVEL

H.C.P(MD)No.1303 of 2023

S.Manikandan

.. Petitioner

vs

**1.The Superintendent of Police,
Theni District.**

**2.The Inspector of Police,
Allinagaram Police Station,
Theni District.**

3.Saravanakumar

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus directing the respondents 1 and 2 to secure and produce the person or body of the detenu ie., the son of the petitioner namely Sathiskumar, S/o.S.Manikandan, aged about 24 years before this Court and set him at liberty.



H.C.P(MD)No.1303 of 2023

For Petitioner

: Mr.S.Packiya Muthu

WEB COPY

For Respondents 1 & 2

: Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity, clarity and convenience] has been filed in this Court on 25.10.2023 saying that 'the petitioner's 24 years old son Sathishkumar' [hereinafter referred to as 'absentee' for the sake of convenience] is missing from 02.09.2023.

2.Short facts are that according to petitioner, absentee left on 02.09.2023 as a Helper in a lorry and third respondent (private respondent) is a Driver; that thereafter the lorry was abandoned and lorry owner enquired with petitioner about absentee; that according to petitioner they enquired with third respondent but of no avail; that fearing that the absentee may be in illegal custody of third respondent captioned HCP has been filed.



WEB COPY



H.C.P(MD)No.1303 of 2023

3.Today, Mr.S.Packiya Muthu, learned counsel for petitioner is before us.

4.Issue notice to official respondents.

5.Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor accepts notice for the official respondents (respondents 1 and 2) and learned Prosecutor is instructed by Thiru.Subbian, Sub-Inspector of Police, Allinagaram Police Station, Theni District.

6.This Court is informed that investigation is underway and investigation at this stage reveals that it is not a case of illegal detention and it appears that the absentee is friendly with a woman but we refrain from delving any further.

7.In the light of the narrative thus far, we dispose of the captioned HCP saying that on absentee being located, let him be produced before the jurisdictional Magistrate [we are informed that the jurisdictional Magistrate is Judicial Magistrate, Theni]. Learned Judicial



H.C.P(MD)No.1303 of 2023

Magistrate, Theni shall record statements of the absentee, petitioner and
or any other person concerned with the matter.

8.We are acutely conscious of the fact that we are disposing of the captioned HCP when the third respondent is not before us and therefore we make it clear that all the rights and contentions of the third respondent in any other connected/collateral proceedings or anything pertaining to the captioned matter are preserved.

9.Learned Prosecutor submits that a realistic time frame for locating the absentee qua investigation that is underway is four weeks.

10.In the light of the narrative thus far, we dispose of the captioned HCP but preserve the rights of the petitioner to come back to this Court with similar or same prayer, if there is any other development touching upon illegal detention or unlawful custody.



WEB COPY



H.C.P(MD)No.1303 of 2023

11.Captioned HCP is disposed of in the aforesaid manner.

(M.S.,J.) (R.S.V.,J.)
30.10.2023

Index : Yes/No
Neutral Citation : Yes/No
ps

To

- 1.The Superintendent of Police,
Theni District.
- 2.The Inspector of Police,
Allinagaram Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.1303 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

ps

H.C.P(MD)No.1303 of 2023

30.10.2023