



HCP(MD)No.1395 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.1395 of 2023

Smt.Shanthi Jeevanandham

: Petitioner

Vs.

The State of Tamil Nadu rep. by
Superintendent of Police,
O/o. Superintendent of Police,
Sivaganga.

: Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondent herein to produce the body (or) person of the detenu J.Chockalingam son of Late K.Jeevanadham aged about 32 years before this Court and set him at liberty.

For Petitioner : Mr.S.Manikandan

For Respondent : Mr.R.Meenakshi Sundaram,
Addl. Public Prosecutor.



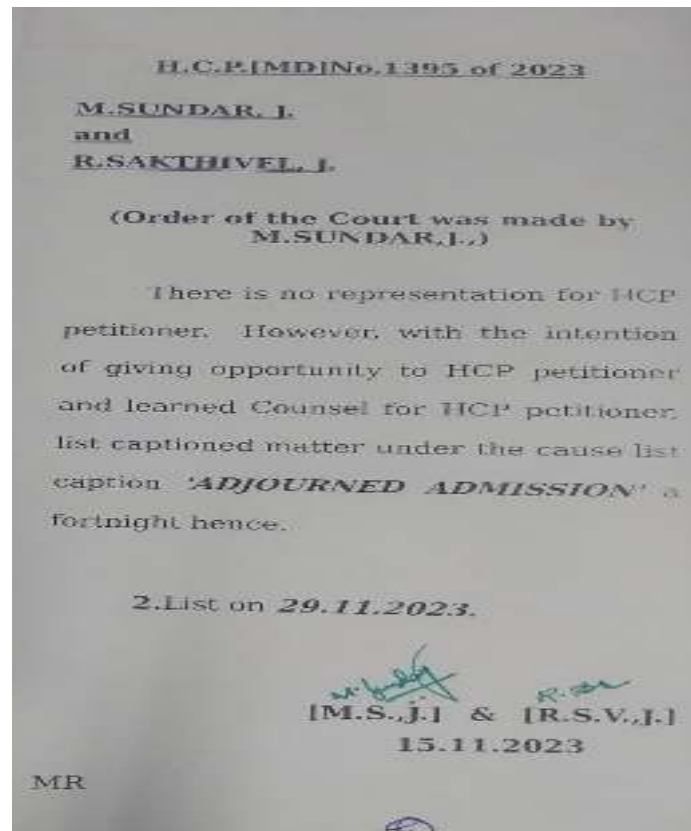
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ORDER

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

In the captioned HCP, in the previous listing on 15.11.2023, the following proceedings were made:



2. Adverting to aforementioned proceedings, Mr.S.Manikandan, learned counsel on record for HCP petitioner expresses regret for missing the matter and not representing the matter in the previous listing.



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3. Be that as it may, when the matter was taken up, it came to light that it is not a case of illegal detention or unlawful custody but at the highest a case of delay in acting on the complaint of petitioner.

4. Faced with the above situation, learned counsel sought leave of this Court to withdraw the captioned matter but made a request to preserve all the rights and contentions of the petitioner and or any one concerned for the petitioner's 32 years old son to pursue other remedies that may be available to them. Endorsement made by learned counsel on record for HCP petitioner in the case file is as follows:

The petitioner permits to
withdraw this application
S.M.
29/11/2023
S. Manikandan

5. In the light of the narrative thus far, captioned HCP is disposed of as closed albeit preserving all the rights and contentions of the petitioner



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and or any one concerned for petitioner's 32 years old son ie., Chockalingam, son of Jeevanandham to move appropriate Court/s/Forum/Fora/Authority/Authorities. If any other Court/s/Forum/Fora/Authority/Authorities are moved, it shall consider the matter on its own merits and in accordance with law untrammelled by the closure of captioned HCP which has been made for the limited purpose of giving a closure to the legal drill on hand.

6. However, we make it clear that the rights of the petitioner and or any one concerned for petitioner's son to come to this Court with similar / same prayer is also preserved, if there is change of circumstances.

7. Captioned Habeas Corpus Petition is disposed of in the aforesaid manner albeit with the aforesaid observations and preservation of rights. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

29.11.2023

Neutral Citation : Yes/No
Index : Yes/No
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To

- 1.The Superintendent of Police,
Represented by State of Tamil Nadu,
O/o. Superintendent of Police,
Sivaganga.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and

R.SAKTHIVEL, J.

vsm

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