



WEB COPY



HCP.No.2562 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2024

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND**

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.2562 of 2023

Rani

.. Petitioner

Vs.

1.The Superintendent of Police,
Namakkal District.

2.The State represented by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

3.Mythili

4.Arun Kumar

.. Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, directing the second respondent police to produce the body of the detenue, the petitioner's son, Madhavaraj, aged about 42 years before this Court and set him at liberty from the illegal custody of the respondents 3 and 4.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by SUNDER MOHAN,J.)

This petition has been filed when the mother alleged that her son has been illegally detained by his wife, the third respondent herein, and her friend who is the fourth respondent herein.

2. Today, when the matter was called, the learned Additional Public Prosecutor, on instructions, submitted that the third respondent is not co-



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operative and the respondents are yet to find out the whereabouts of the detenue and that the detenue is deaf and dumb.

3. In these circumstances, we are of the view that it would be in the interest of justice if the detenue is secured and produced before the learned Judicial Magistrate, Kumarapalayam, Namakkal District for recording the statement of the detenue. On such production, the learned Magistrate may issue notice to the petitioner and the petitioner's presence may be ensured when the statement of the detenue is recorded.

4. It is open to the learned Magistrate concerned to seek the assistance of an interpreter while recording the statement of the detenue. The above said exercise shall be completed as expeditiously as possible preferably within a period of two (2) weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.
and
SUNDER MOHAN, J

Anu

5. With the above direction, the Habeas Corpus Petition stands disposed of. No Costs.

(M.S.R.,J.) (S.M.,J.)
24.01.2024

NCC : Yes / No
Index : Yes / No
Anu

To

1.The Judicial Magistrate, Kumarapalayam, Namakkal District
2.The Superintendent of Police,
Namakkal District.

3.The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.

4.The Additional Public Prosecutor,
High Court of Madras.

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