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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :21.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

H.C.P.(MD) No.149 of 2024

Indhui ... Petitioner/wife of the detenu

-vs-

1.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Elumalai Police Station,
Madurai District.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus directing the respondents to produce the person or body of the Petitioner's husband namely Gurusamy, son of Gurusamy, aged about 29 yeas before this Court and set him at liberty.

For Petitioner : Mr.M.Suresh



For Respondents : Mr.RMS.Sethuraman
1 and 2 Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN.,J
AND
C.KUMARAPPAN.,J

This Habeas Corpus Petition has been filed by the wife of the detenu seeking for a direction to the respondents to produce the person or body of the Petitioner's husband namely Gurusamy, son of Gurusamy, aged about 29 years before this Court and set him at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner is the wife of one Gurusamy, who lodged a complaint on 28.09.2023 alleging that her husband is missing. Based on the complaint given by the Petitioner, Police has registered a case in FIR inCrime No.205 of 2023 on 28.09.2023. Thereafter, since the husband of the Petitioner was not traceable, she has filed the present Habeas Corpus Petition.



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4.The respondents Police today reported that the husband of the Petitioner herein is an accused in a POCSO Act case and hence, he was arrested and remanded to judicial custody in Crime No.179 of 2023 for the offence punishable under Section 5(1) 6 of the POCSO Act.The said Gurusamy is presently confined at District Prison, Theni.

5.Since the husband of the Petitioner is under judicial custody, the Habeas Corpus Petition filed by the Petitioner is not maintainable and accordingly, the same stands dismissed.

[G.J.,J.]

[C.K.,J.]

21.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

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

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Madurai.

DR.G.JAYACHANDRAN, J.
and
C.KUMARAPPAN, J.

vsn

ORDER MADE IN

H.C.P.(MD) No.149 of 2024



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