



HCP(MD)No.551 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM :

**THE HONOURABLE MS.JUSTICE R.N.MANJULA
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

HCP(MD)No.551 of 2024

Ashok Kumar

... Petitioner

vs.

1. The Superintendent of Police,
Kanniyakumari District, Nagercoil

2. The Deputy Superintendent of Police,
Nagercoil Division,
Kanniyakumari District.

3. The Inspector of Police
Anjugramam Police Station,
Kanniyakumari District.

4. Evelin Arasi @ Arasi

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the person or body of the detenu namely, Pandiyakumar S/o Alosious Navamani, brother of the petitioner (Ashok Kumar) aged about 70 years old before this Court and set him at liberty.



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For Petitioner : Mr.K.Ganesamoorthi

For Respondents : Mr.RMS.Sethuraman

Additional Public Prosecutor

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ORDER

(Order of the Court was made by **R.N.MANJULA, J.**)

The prayer in this petition is for issuance of a Writ of Habeas Corpus, to direct the respondents 1 to 3 to produce the person or body of the detenu namely, Pandiyakumar S/o.Alosious Navamani, brother of the petitioner (Ashok Kumar), aged about 70 years old before this Court and set him at liberty.

2. On 15.05.2024, this Court has passed the following order:-

"The petitioner has filed this habeas corpus petition seeking a direction to the respondents 1 to 3 to secure his brother, namely, Pandiyakumar, aged about 70 years, and produce him before this Court.

2. Pursuant to the directions issued by this Court on 08.05.2024, the respondent – Police have produced the detenu before this Court. The petitioner, brother of the detenu, is also present before this Court.

3. On enquiry, the detenu submitted that he is living in his house. However, his wife / fourth respondent is not allowing him to go out even for medical treatment.

4. Though the learned counsel representing the fourth respondent is present, the fourth respondent is not present before this Court in person.

5. The fourth respondent, wife of the detenu, is directed to be present before this Court on the next hearing date.

6. Post on 22.05.2024."



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3. Today, the 4th respondent is present before this Court and stated that she is aged 69 years and a Doctor by profession. She further stated that she is living along with her husband/detenu and that there is no illegal detention or unlawful custody of the detenu as alleged by the petitioner.

4. Since the detenu and the 4th respondent are husband and wife and they stated to be living in their home, it cannot be termed as illegal detention of the detenu. Therefore, this Habeas Corpus Petition is dismissed. No costs.

(R.N.M., J.)

(C.K., J.)

22.05.2024

Index : Yes / No
Neutral Citation : Yes / No
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