

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 24.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR. JUSTICE P.N.PRAKASH

H.C.P. NO. 1023 OF 2015

Pavathal @ Pappathi

.. Petitioner

- Vs -

1. The Superintendent of Police
Namakkal District, Namakkal.
2. The Inspector of Police
Nallur Police Station
Namakkal District.
3. S.Rajasekar
4. The Superintendent of Police
Railways, Salem Division. ... Respondents
(R-4 impleaded Suo Motu vide order of
Court dated 3.6.15)

Petition filed for the issuance of a writ of habeas corpus directing the respondents to secure the detenu, P.Selvaraj, aged 49 years, the husband of the petitioner, produce him before this Court and set him at liberty.

For Petitioner : Mr. N.Manokaran

For Respondents: Mr. A.N.Thambidurai,
APP for RR-1, 2 & 4
Mr. P.R.Balasubramanian for R-3

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ORDER
(DELIVERED BY P.N.PRAKASH, J.)

This petition has been filed for a direction to the respondents to secure the detenu, P.Selvaraj, aged 49 years, the husband of the petitioner, produce him before this Court and set him at liberty.

2. Heard the learned counsel appearing for the petitioner and the learned Addl. Public Prosecutor appearing for the first respondent.

3. It is the case of the petitioner that her husband, who was working in a Rig unit, stationed at Chatirapur, Madhya Pradesh, had gone missing.

4. On notice, the fourth respondent, Railway police have filed two status reports, wherein they have stated that a case in Crime No.93/15 for 'Man Missing' has been registered by the Salem Railway Police on 11.4.15 on the complaint given by the petitioner and investigation is in progress. While detailing the steps taken for tracing the detenu, in para-9 of the report it is stated as hereunder :-

"9. I submit that I have given requisition to the Nodal Officer of the concerned service provider for getting call detail records of the detenu's mobile Nos.9788044983, 08150976069. I have received call detail records of detenu's mobile number. It reveals that the last call made on 24.12.2014 at 18.48 hours at that time, the tower location was in the area of Grass land. Laxam Singh, Simardha near Jansi, Uttar Pradesh and after that it was switched off. And also reveals that the last call made from the detenu's mobile to one Punniyamurthy, who is the friend of the detenu and his mobile number is 8344682699. I have enquired the above said mobile number, but no fruitful information received from him. Also I have given requisition letter to the concerned Nodal Officer to trace IMEI No.359712051979380 & 359713051979380 of the detenu and as a result, the said IMEI numbers were not traced in any of cellphone network. Hence, no fruitful lead/clue was arrived about the detenu Selvaraj."

5. Today, the third respondent, Rajasekar, is present before this Court and he stated that the third respondent along with the detenu and driver Marappan boarded the Kerala Express bound for Chennai at Jhansi and at that time he had seen the detenu. On reaching Salem, he did not find the detenu and it was he who had informed the family of the detenu.

6. On going through the status report we find that the police have taken their best efforts to secure the detenu. Since there is no material to infer that there is illegal detention of the alleged detenu by any specific person, we are inclined to close this petition.

7. Accordingly, this petition is closed with a direction to the respondent police to proceed with the investigation diligently and keep the petitioner informed about the development/break through in the case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Superintendent of Police
Namakkal District
Namakkal.
2. The Inspector of Police
Nallur Police Station
Namakkal District.
3. The Superintendent of Police
Railways, Salem Division.
4. The Public Prosecutor
High Court, Madras.

+1cc to Mr.N. Manokaran, Advocate, S.R.No.63791

+1cc to Mr.P.R. Balasubramanian, Advocate, S.R.No.63663

PUR(CO)
EU(15/12/2015)

सत्यमेव जयते

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