



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM
AND
THE HONOURABLE MR. JUSTICE P. VELMURUGAN

H.C.P. [MD]. No. 452 of 2017

Sathiya Kumar

: Petitioner

Vs.

1. The Superintendent of Police,
Dindigul District, Dindigul.

2. The Inspector of Police,
Ottanchatram Police Station,
Dindigul District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce person or body of the detenu, namely, Gogulabalan, aged 61 years, S/o. Selvaraj [Late] before this Court and set him at liberty.

For Petitioner : Mr. A. Arul Jenifer

For Respondents : Mr. T. Mohan

Additional Public Prosecutor

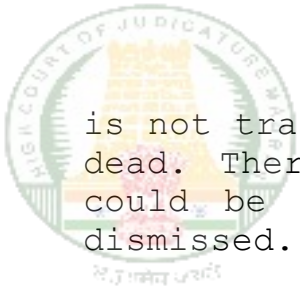
O R D E R

[Order of the Court was made by **T.S. SIVAGNANAM, J.**]

The petitioner, who is the son of the detenu, has come forward with the present Habeas Corpus Petition, directing the respondents to produce person or body of the detenu, namely, Gogulabalan, aged 61 years, S/o. Selvaraj [Late] before this Court and set him at liberty.

2. The learned Additional Public Prosecutor, on instructions from the respondent police, reports that the father of the petitioner is missing since 2004.

3. Thus, we find that the present attempt is a belated attempt made by the petitioner, presumably, for the reasons, which are not mentioned in the affidavit. The legal position is that if a person



is not traceable for a period of seven years, he is presumed to be dead. Therefore, no direction, as sought for by the petitioner, could be issued. Hence, the present Habeas Corpus Petition is dismissed.

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Sd/-

Assistant Registrar(Writs)

Sub Assistant Registrar

To

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Ottanchatram Police Station,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.A.Arul Jenifer, Advocate, SR.No. 18421

**ORDER MADE IN
H.C.P. [MD] .No.452 of 2017
27.03.2017**

NB

MKV-KP-SAR 4/7.4.2017/2P-5C