



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P (MD) No.216 of 2016

Ayishakani

...Petitioner

-vs-

- 1.The Secretary of External Affairs,
Ministry of External Affairs
Government of India,
New Delhi.
- 2.The Secretary
Ministry of Overseas Indian Affairs,
Government of India,
New Delhi.
- 3.The Secretary
Ministry of Home Affairs,
Government of India,
New Delhi.
- 4.The Principal Secretary/
Commissioner of Rehabilitation
Office of the Principal Secretary/
Commissioner of Rehabilitation,
Chepauk, Chennai-5.
- 5.The District Collector,
Virudhunagar District
Virudhunagar
- 6.The Superintendent of Police
Virudhunagar District
Virudhunagar.
- 7.The Inspector of Police,
Aruppukottai Town Police Station
Virudhunagar District.
- 8.Rajamohamed Al Ismail

...Respondents

Prayer: This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Habeas Corpus, directing the respondents 1 to 7 to produce the person or body of the petitioner's husband namely Raja Isath Batcha Son of



Sheik Mohamed aged about 45 years and set him at liberty.

For Petitioner	: Mr.M.Mohamed Sherbudeen
For Respondents 1 to 3	: Mr.Murugappan
For Respondents 4 to 7	:Mr.T.Mohan
	Additional Public Prosecutor

WEB COPY

O R D E R

(Order of the Court was made by **M.M.SUNDRESH, J**)

The petitioner is the wife of the detenu. It is the case that her husband left Malaysia and thereafter whereabouts not known.

2. A detailed order has been passed by this Court on 01.06.2017, the petitioner unable to produce any documents to show that till 2015 the detenu has sent money to her. Therefore, Prima facie appears that from 2005 onwards, he is missing.

3.The respondents 1 to 3 filed counter affidavit and submitted the petitioner has not produced any tangible evidence to show that the detenu was last seen at Malaysia. The address said to have been given in respective working place of the detenu, is also not correct.

4.In such view of the matter, the Habeas Corpus Petition is dismissed. The dismissal of the petition will not stand in the way of the petitioner for filing new petition based on the new materials available.

Sd/-

Assistant Registrar(A.E)

/True Copy/

Sub Assistant Registrar

To:

1.The Secretary of External Affairs,
Ministry of External Affairs
Government of India,
New Delhi.

2.The Secretary
Ministry of Overseas Indian Affairs,
Government of India,
New Delhi.

3.The Secretary
Ministry of Home Affairs,
Government of India,
New Delhi.

4.The Principal Secretary/ Commissioner of Rehabilitation
Principal Secretary/
Commissioner of Rehabilitation,
Chepauk, Chennai-5.



5.The District Collector,
Virudhunagar District
Virudhunagar.

6.The Superintendent of Police
Virudhunagar District
Virudhunagar.

7.The Inspector of Police,
Aruppukottai Town Police Station
Virudhunagar District.

8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.M.MOHAMED SHERBUDEEN Advocate in SR. NO.66517

+1cc to Mr.R.MURUGAPPAN Advocate in SR. No.66693

AM/RMI

JS/GT/SAR.2/2.8.2017/3P-11C

H.C.P(MD) No.216 of 2016

20.07.2017