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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

HCP [MD].No.172 of 2018

M.Amirthavalli

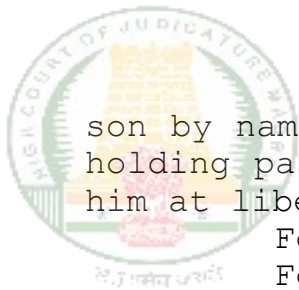
: Petitioner

Vs.

- 1.Union of India,
Represented by its Secretary,
Ministry of External Affairs,
South Block,
New Delhi - 110 011.
- 2.The First Secretary, (cons)
Embassy of India, Villa No.19, Street No.828,
Area No.42, Wadi Alneel,
Old hilal Area, P.O.Box No.2788,
Doha-Quatar.
- 3.The Commissioner of Rehabilitation and
Welfare of Non-Resident Tamils,
Ezhilagam, Chepauk, Chennai-5.
- 4.The District Collector,
Office of the District Collector,
Sivagangai District.
- 5.The Director,
Tamil Nadu Forensic Science Department,
Kamarajar Salai, Mylapore,
Chennai.
- 6.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.
- 7.The Inspector of Police,
Ilayandugi Police Station,
Sivagangai 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 body or person of the petitioner's



son by name M.Gobala Krishnan son of Murugesan, aged about 21 years holding passport in Passport No.L 5681395 before this Court and set him at liberty.

For Petitioner: M/s.S.Malaikani

For R-1 : Mr.P.Palpandi

Central Government Standing Counsel

For R3 to R-7 : Mr.C.Ramesh,

Additional Public Prosecutor

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ORDER

[Order of the Court was made by S.VIMALA, J]

This petition has been filed by the mother of the detenu seeking a direction to the respondents to produce the detenu, namely, Mr.M.Gobalakrishnan, son of Murugesan, aged about 21 years, holding passport in Passport No.L5681395, before this Court and set him at liberty.

2.This case has a previous history and it is in continuation of the earlier HCP(MD)No.535 of 2017. According to the petitioner, the detenu had been working in Qatar and according to the information from the Director of Public (RH.I) Department, the son of the petitioner committed suicide by hanging in Qatar and the Postmortem Certificate has been issued and the mortals remains sent to the petitioner have been received in Sivagangai. Thereafter, the DNA profiling has been ordered by taking blood sample of the petitioner/mother to be compared with the remains of the dead body. As the DNA profiling were not furnished to the petitioner herein, that made the petitioner to again move this Court. In fact, in one of the prayer, the petitioner has asked for a direction to the fifth respondent/Director, Tamil Nadu Forensic Science Department, Kamarajar Salai, Mylopure, Chennai, to furnish the results of DNA profiling in Case No.DNA-117/17, before this Court pending disposal of the main petition.

3. Today, the Director of Forensic Sciences Department, furnished the DNA profiling report, in which, the conclusion has been arrived at to the effect that remains of the dead body matches with the DNA profiling of the petitioner's son herein and final conclusion of the DNA result findings and report dated 14.02.2017 had been given and the results are as follows:

"(i) the cumulative probability of paternity/maternity of Mr.Murugesan and Mrs.Amirthavalli for being the father/mother of the person to whom the item 1-skull and item2-femur (of ref 2) belong is found to be 99.999999999%/99.99999999%.

(ii) the cumulative chance of exclusion of any random man/woman from the paternity /maternity of the person to whom the item1-skull and item 2-femur



(of ref 2) belong is 99.9999999999999999%/
99.9999999999999999%."

4. Therefore, nothing survives for adjudication in this petition. Recording the findings of the DNA Profiling, this Habeas Corpus Petition is closed.

Sd/
Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

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7. The Inspector of Police,
Ilayandugi Police Station, Sivagangai District.
8. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

HCP [MD].No.172 of 2018
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+1cc to Mr.P.PAULPANDI, Advocate, SR.No.48383

LS/RR

<https://heservices.ecourts.gov.in/heservices/>
RR/JC/22:03.2018/SAR-1/3P-10C