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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
and
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.1113 of 2014

R.Premavathy ... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.
3.Kalyani
4.Jegadeeswari
5.The Additional Director General of Police,
CBCID, Chennai. ... Respondents
(R5 is impleaded as per the orders of this Hon'ble Court dated 07.11.2014 and made in M.P.(MD) No.1 of 2014 in HCP(MD) No.1113 of 2014)

PRAYER: The petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, directing the Respondents 1 and 2 to produce the body or person of the detenue namely Jhonny @ Anandakumar, S/o.Ramasamy, 36 years, son of the petitioner before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.K.Mahendran

For Respondents 1, 2 & 5 : Mr.S.Chandrasekar
Additional Public Prosecutor

For 3rd Respondent : Mr.B.Jameelarasu

ORDER

(Order of the Court was made by C.T. SELVAM,J.)

This petition has been filed by the mother in the year 2014, seeking production of her son, Jhony @ Anandakumar, aged 36 years.

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2.Admittedly, Jhony @ Anandakumar, son of petitioner has not been heard of from the year 2009. A complaint was preferred on 15.06.2009 and a case was registered in Crime No.248 of 2010 on the file of the second respondent on 05.10.2010 as 'Man Missing'.

3.Status Report of Deputy Superintendent of Police, Crime Branch CID, Trichy Range informs that despite best efforts there has been no clue about the whereabouts of the son of the petitioner. Learned counsel for petitioner would submit that petitioner also has no information whatsoever right from the date the detenu went missing. Therefore, the presumption under Section 108 of the Evidence Act arises.

4.In view of the above, the Habeas Corpus Petition shall stand closed with a direction that the investigation may be closed. It is open to the petitioner to approach the revenue authorities or civil Court for obtaining such document/certificate as may be necessary towards informing the death of detenu Jhony @ Anandakumar S/o. Ramasamy and obtaining legal heirship etc.

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

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

2.The Inspector of Police,
Annavasal Police Station,
Pudukkottai District.

3.The Additional Director General of Police,
CBCID, Chennai.

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

+ 1 cc TO Mr.K.Mahendran , Advocate in SR No. 62856
+ 1 cc TO Mr.B.Jameel Arasu , Advocate in SR No. 63044

sj
AE/SKN RSK/SAR1/05.07.2018/2P/7C

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