



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

Tuesday, the Sixth day of August Two Thousand Nineteen

PRESENT

THE HON`BLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HON`BLE MR JUSTICE B.PUGALENDHI

HCP(MD). Nos.737 & 738 of 2019

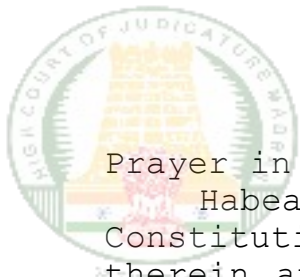
Sanga Sirantha	... Petitioner in HCP(MD)No.737 of 2019
Mohammed Saffras	... Petitioner in HCP(MD)No.738 of 2019

Vs

- 1 The State rep by its
Home secretary,
Government of Tamilnadu
St.George Fort, Chennai - 600 009.
- 2 The District Collector,
Ramanathapuram District
- 3 The Superintendent of Police,
Ramanathapuram District, Ramanathapuram
- 4 Inspector of Police
Kenikkarai Police Station, Ramanathapuram District
(Crime No.59 of 2019)
- 5 The Assistant Public Prosecutor,
Judicial Magistrate Court No.2,
Ramanathapuram.
- 6 The Deputy High Commissioner
Deputy High Commission of The
Democratic Socialist Republic of Sri Lanka
56, Sterling Road, Nungambakkam, Chennai 34.
... Respondents in both cases

Prayer in Habeas Corpus Petition(MD)No.737 of 2019 :

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a Writ or order or a direction particularly in the nature of Writ of Habeas Corpus directing the respondents No. 1 to 5 to produce the petitioner before this Hon'ble court and handover the custody to the 6th respondent within stipulated time framed by this Court.



Prayer in Habeas Corpus Petition(MD)No.738 of 2019 :

Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue a writ or order or a direction particularly in the nature of Writ of Habeas Corpus directing the respondents No.1 to 5 to produce the petitioner before this Hon'ble court and handover the custody to the 6th Respondent within stipulated time framed by this Court.

ORDER:-

Habeas Corpus Petitions are coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of DR.ABUL KALAAM AZAD, Advocate for the Petitioners and of MR.DINESH BABU, Additional Public prosecutor for Respondents 1 to 4 and 6 and of MR.K.K.RAMAKRISHNAN, Additional Public Prosecutor for R5, this Court made the following order:

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

The petitioners are the Sri Lankans and they are facing prosecution at the hands of the fourth respondent for the commission of offences under Sections 3(a) and 6(a) of the Passport (Entry into India) Rules, 1950 and Section 14 of the Foreigners Act, 1946 and Sections 468, 471 and 212 I.P.C., in Cr.No.59 of 2019.

2. A perusal of the materials would indicate that the State has filed withdrawal Report purportedly under Section 321 Cr.P.C., on the file of the Court of Judicial Magistrate No.II, Ramanathapuram and the same is kept pending. The petitioners, pointing out the said fact, came forward to file these petitions, praying for appropriate direction, directing the respondents 1 to 5, to produce them before this Court and hand over their custody to the sixth respondent.

3. Heard the submissions of the learned Counsel appearing for the petitioners and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor appearing for the State and he would state that the petitioner in H.C.P.(MD)No.737 of 2019 is facing prosecution for the commission of two murders and involved himself in very many rape cases and also in gang war and after getting necessary clearance from the Central Government and also in the light of the instructions issued by the Government of India, Ministry of Home Affairs in Ref.No.25022/19/2014-I, dated 24.04.2014, a decision has been taken to withdraw the criminal prosecution launched against the petitioners and immediately on such withdrawal, under proper escort, they will be deported back to Sri Lanka and the fifth



respondent has also expressed the consent for their repatriation to Sri Lanka.

4. It is also brought to the knowledge of this Court by learned Additional Public Prosecutor that though the withdrawal report has been filed for withdrawal of prosecution, as early as in the month of May 2019, till the hearing is going on and no orders have been passed and in the light of the facts and circumstances, prays for appropriate direction, directing the said Presiding Officer to pass appropriate orders in accordance with law, as expeditiously as possible.

5. This Court heard the rival submissions and perused the materials placed before this Court.

6. This Court directs the learned Judicial Magistrate No.II, Ramanathapuram, to submit a report, as to the reasons for pendency of the said report/Memo, by 13.08.2019.

7. Call on **13.08.2019**.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The Home secretary, Government of Tamilnadu,
St.George Fort, Chennai - 600 009.
2. The District Collector,
Ramanathapuram District.
3. The Superintendent of Police,
Ramanathapuram District, Ramanathapuram.
4. Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
5. The Assistant Public Prosecutor,
Judicial Magistrate Court No.2,
Ramanathapuram.



6 The Deputy High Commissioner
Deputy High Commission of The
Democratic Socialist Republic of Sri Lanka
56, Sterling Road, Nungambakkam, Chennai 34.

WEB COPY
Copy to:

1. The Principal District Judge, Ramanathapuram.
2. The Judicial Magistrate, No.II, (Full Additional in-Charge)
Ramanathapuram.
3. The Chief Judicial Magistrate, Ramanathapuram.
4. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 06/08/2019

HEARING DATE: 13/08/2019

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ORDER
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HCP(MD)Nos.737 & 738 of 2019

Giving direction and etc.
as stated within.

NS(CO)
TR (08.08.2019) 4P 11C