



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

H.C.P(MD)No.780 of 2019

A.Alagulingam

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the Respondents to produce the Person or body of the Petitioner's brother namely Muthu (38/19) S/o. Alagumalai Nadar before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

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

The petitioner is the elder brother of the detenu viz., Muthu, aged about 38 years and alleging that he is missing from 14.12.2018 and based on the complaint lodged, the second respondent police has registered a case in Crime No.227 of 2018 on 26.12.2018 for man missing and subsequently a body with fatal injuries has been found in the nearby village and based on which, the case in Crime No.227 of 2018 has been altered for the commission of offence under Sections 302 and 201 I.P.C. and at that time identification of the body was not found and DNA samples were also collected from the mother of the detenu viz. Tmt.Kasiammal, however, no progress has been made in the investigation.



2.Mr.K.Dinesh Babu, learned Additional Public Prosecutor on instructions would submit that subsequently it was found that the brother of the petitioner was the victim and the accused is yet to be fixed.

3.In the light of the said development, nothing remains for further adjudication in this Habeas Corpus Petition. However, taking into account the fact that the case in Crime No.227 of 2018 has been registered for a serious offence ie., 302 and 201 I.P.C., the second respondent is directed to conduct quality and speedy investigation and take all steps to find out the accused and proceed against him in accordance with law.

4.This Habeas Corpus Petition is disposed of accordingly.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-82088[F] dated 16/08/2019)

H.C.P(MD) No.780 of 2019
16.08.2019

sj
JM/27.08.2019/2P/5C