



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD) No.416 of 2021

S.Latha ... Petitioner /
Wife of the Detenu
Vs.

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

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to direct the respondents to produce the body or person of the detainee, the petitioner's husband, namely, Sekar, aged about 45 years and set him at liberty.

For Petitioner : Mr.M.Mohamed Sherbudeen
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

The petitioner herein is the wife of one Sekar, who is a lorry driver working in Sivasakthi Lorry Service Company at Dindigul and found missing since 28.01.2020. Based on her complaint, police has registered a case in Crime No.19 of 2021 under the caption 'man missing' and taken up the investigation.

2. The status report filed by the second respondent indicates that Sekar was working in Sivasakthi Lorry Service went to Pootan at West Bengal as alternate driver along with one Sasi. After reaching the destination, he indulged in drunken mood and was not capable of



driving, Hence, the same was informed to the owner and after arranging an alternate driver, Sasi returned to Tamilnadu along with Sekar. Near Chakkampettai petrol bunk at Andhra Pradesh, when the vehicle stopped, Sekar got down from the lorry and went missing. Investigation has revealed that the missing person Sekar had some mental disorder and earlier taking treatment at Bishop Vayalil Medical Centre, Idukki District, Kerala State. The enquiry conducted with Muruganandam, and other drivers and the persons, who are known to the missing person has not yielded any fruitful result. A special team headed by John Chelladurai, Sub Inspector of Police, went to Andhra Pradesh on 12.04.2021 and enquired about the missing person and same also ended in futile. It is further stated that an unknown body was found, physically tallied with the missing man and therefore, DNA sample was collected and sent for comparison. The report of the Forensic Department, dated 29.10.2021 received by the police on 20.11.2021 disclose that it does not tally.

3. According to the learned Additional Public Prosecutor, respondent police is taking all necessary efforts to trace the missing man and in case any clue or information received, same will be informed to the petitioner herein and they will carry forward the search. If the petitioner get any clue about the missing man, same will be informed to the police.

4. Recording the above said submissions, this Habeas Corpus Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.



To

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

WEB COPY

2.The Inspector of Police,
Devadanapatti Police Station,
Theni District.

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

H.C.P. (MD) No.416 of 2021
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MMS (CO)
KB (23.12.2021) 3P 4C