



WEB COPY



H.C.P.No.2676 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN
THILAKAVADI

H.C.P.No.2676 of 2022

Halideen

.. Petitioner /
friend of the detenu

Vs.

1. The Superintendent of Police
Villupuram District
2. The Inspector of Police
Kedar Police Station
Villupuram District
3. Thiru.Jubin Baby
(Age and father's name not known to petitioner)
Founder / Director of Anbu Jothi Ashram
Chenji Main Road, Kundalapuliyur
Villupuram District

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to direct the first and second respondents to produce petitioner's friend Jawferulla, son of Sidique, aged 79 years before this Court from the illegal custody of the third respondent and set him at liberty.

Page Nos.1/8



WEB COPY



H.C.P.No.2676 of 2022

For Petitioner : Mr.V.Paarthiban
For Respondents : Mr.R.Muniyapparaj
Addl. Public Prosecutor for R1 & R2
Ms.V.Venvizhi for R3

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned 'Habeas Corpus Petition'

['HCP' for the sake of brevity].

2. All proceedings made in the previous listings have to be read as an integral part and parcel of this order. This means that short forms, abbreviations and short references used in the previous proceedings made in the earlier listings will continue to be used in the instant order also as those proceedings / orders are now to be read as an integral part and parcel of this order.

3, Be that as it may, for the sake of convenience, we deem it appropriate to extract and reproduce the proceedings made in the previous listing on 14.03.2023 and the same reads as follows:

Page Nos.2/8



WEB COPY



H.C.P.No.2676 of 2022

'Read this in conjunction with and in continuation of earlier proceedings made by this Bench in the previous listing on 27.02.2023.'

2. Today, Mr.V.Parthiban, learned counsel for petitioner, Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for Respondents 1 and 2 and Ms.V.Venvizhi, learned counsel for third respondent are before us.

3. Adverting to earlier proceedings, more particularly paragraph 5 thereat, Mr.V.Parthiban, learned counsel submits that Mr.Saleem Khan will be able to come to India only in the first week of June 2023 and this is more so owing to the Holy month of Ramzan and Roza.

4. Be that as it may, learned Prosecutor has placed before us a further status report from the second respondent being Further Status Report dated 14.03.2023. Learned Prosecutor submits on instructions that it has now come to light that Mr.Jawferulla has a family in India, namely wife and two daughters. It is submitted that elder daughter is no more, wife and younger daughter are there in India. Learned Prosecutor submits that this was not brought to the notice of the investigation agency earlier and this has surfaced only in the course of investigation. Learned Prosecutor requests for time till June to carry the matter to its logical end.

Let the matter proceed in accordance with law. List the captioned matter on 06.06.2023.'

(underlining made by this us for the sake of ease of reference and for supplying emphasis)



H.C.P.No.2676 of 2022

WEB COPY

4. Today, Mr.V.Paarthiban, learned counsel for petitioner, Mr.R.Muniyapparaj, learned Additional Public Prosecutor for Respondents 1 and 2 and Ms.V.Venvizhi, learned counsel for third respondent are before us.

5. Adverting to the aforementioned earlier proceedings dated 14.03.2023, learned counsel for petitioner very fairly submitted that the wife and daughter of Mr.Jawferulla were since contacted and with their consent, samples have been drawn from them. In this regard, we deem it appropriate to extract and reproduce sub-paragraph (vi) of paragraph 7 of the Status Report, which reads as follows:

'(vi) During the course of investigation, the team visited Badravathi, West end of Karnataka State on information that an unknown dead body in Hosamane Police Station limits was reported. The unknown dead body of the person aged about 80 years has been buried peacefully as per the Islamic religious rituals by KGN Nawjawan Committee at Farooquia Khavarstan, Ameerjan Colony, Ward No.7, H.H.Road, Badravathi, Shivamoga District, Karnataka State. The face resemblance is very much equal to that of the missing person Jawferulla, from the videos of the said dead body.'



H.C.P.No.2676 of 2022

6. Learned counsel for petitioner also submits that the petitioner is convinced that all that could have been done by the second respondent has been diligently carried out as part of the investigation and therefore, a closure can be given to the captioned HCP albeit with an observation that the investigation shall continue.

7. Learned Prosecutor placed before us a further Status Report from the second respondent being a Status Report dated 06.06.2023 and pointed out that in continuation of earlier proceedings of this Court dated 14.03.2023, statements have been taken from wife and daughter of Mr.Jawferulla and drawing of samples from them has also been recorded by way of statements on 02.05.2023 which also have been placed before us along with the Status Report.

8. Learned counsel for petitioner also submits that a relative of the absentee has sent an electronic mail communication saying that the investigation can proceed based on aforementioned consent of wife and daughter of the absentee.

9. In the light of the narrative thus far, we deem it appropriate to give a closure to the captioned HCP albeit making it clear that investigation shall



H.C.P.No.2676 of 2022

proceed on its own merits and in accordance with law. Though obvious we also make it clear that all the rights and contentions of all the parties concerned, more particularly the rights and contentions of the third respondent are preserved for all further collateral proceedings as the investigation progresses.

10. We deem it appropriate to record that the learned counsel for petitioner has expressed appreciation for the good work done by the Investigating Officer i.e., second respondent.

Captioned HCP disposed of as closed albeit with the aforementioned observations and preservation of rights and contentions.

(M.S.,J.)

(K.G.T.,J.)

06.06.2023

Index : Yes

Speaking

Neutral Citation : Yes

gpa



H.C.P.No.2676 of 2022

To

WEB COPY

1. The Superintendent of Police
Villupuram District
2. The Inspector of Police
Kedar Police Station
Villupuram District
5. The Public Prosecutor
Madras High Court, Chennai



WEB COPY



H.C.P.No.2676 of 2022

M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

gpa

H.C.P.No.2676 of 2022

06.06.2023