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H.C.P.(MD) No.156 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

H.C.P.(MD) No.156 of 2024

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... Petitioner

-vs-

1.The Superintendent of Police
Office of the Superintendent of Police
Kanniyakumari District

2.The Inspector of Police
Eathamozhi Police Station
Kanniyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to secure or produce the body or person of the detenue namely Anjalo Pravin, son of Thomas (Late), aged about 30 years, before this Court and set him at liberty.

For Petitioner : Mr.B.Micheal Sebastin

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The petitioner has filed this habeas corpus petition seeking a direction to the respondents to secure her son, namely, Anjalo Pravin, aged about 30 years, produce him before this Court and set him at liberty.

2. It is the case of the petitioner that her son Anjalo Pravin was engaged in fishing. During 2017, due to misunderstanding with his father, he left the home and living in relative's house for about four years. After the death of his father, he had returned back home and was doing fishing work. While so, on 27.07.2023, at about 09.30 p.m., he left the home for fishing in the barge of one Denis in Kochi, Kerala. Subsequently, on 12.08.2023, he had informed the petitioner that he was returning home from Kochi with one Sunil from Manakudi, who works in the same barge and came to Ernakulam by bus and at about 01.55 p.m., he further informed the petitioner that both of them are boarding Parashuram Express Train to return back to Nagercoil. On 12.08.2023, Sunil, who was travelling with the alleged missing person and one Nivith, who had gone to the Railway Station to pick the alleged missing person, informed the petitioner that her son did not get off the train, when the train arrived at Nagercoil Railway Station at 08.30 p.m. Thereafter, the



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petitioner did not get any information about him. When she had attempted to contact her son, his mobile phone was switched off. Thereafter, despite her enquiry with his friends and relatives and persons engaged in fishing operations along with her son, she was unable to get information about the whereabouts of her son and thereby, on 08.09.2023, the petitioner gave a complaint to the second respondent to find out the whereabouts of her son. Since no action has been taken by the second respondent – Police, the present habeas corpus petition has been filed.

3. Today, the second respondent – Police has filed a status report along with CDR details of the alleged missing person and the statement of one Antony Sunil, who is a colleague and who was alleged to have travelled along with the petitioner's son.

4. Learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that on enquiry, the said Antony Sunil had stated that he and the alleged missing person had boarded train at Ernakulam Railway Station and since the compartments were overcrowded, they got into two different compartments and that after sometime, when he tried to contact the alleged missing person, his mobile phone was switched off and thereafter, he had not known about the whereabouts of the alleged



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missing person. Further, the respondent – Police had obtained the call details and tower location of the alleged missing person, from which it was found that his mobile number was in operation in Ernakulam area, Kerala Limit, till 01.55 p.m., on 12.08.2023 and thereafter, the mobile phone was switched off. Based on the CDR details, the respondent – Police cross-checked the frequently contacted numbers and enquired the concerned persons, but the said effort has also ended in vain.

5. We perused the status report.

6. As per the statement of the said Antony Sunil and the tower location in the CD Report (CDR), the alleged missing person was lastly available at Ernakulam within the limits of Ernakulam Central Police Station. Further, the alleged missing person was all along working in Kerala and the petitioner has also made allegations against the owner of the boat, under whom the alleged missing person was working. We are of the opinion that if the matter is investigated by the Ernakulam Central Police, much light would be thrown in the case and the whereabouts of the alleged missing person could be found out at the earliest. Therefore, we direct the second respondent to take steps to transfer the case to the concerned jurisdictional Police, where the missing person was last seen, within a period of four weeks from the date



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of receipt of a copy of this order. On such transfer of case, the jurisdictional Police, namely, Ernakulam Central Police shall continue with the investigation in accordance with law and as and when the detenu is secured or his whereabouts is identified, the same shall be intimated to the petitioner forthwith.

7. With the above directions, this habeas corpus petition is disposed of.

[A.D.J.C., J.]

[K.R.S., J.]

18.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Note to Office:

Mark a copy of this order to the Station House Officer, Ernakulam Central PS, Old Railway Station Road, Near Kerala High Court, Ernakulam. PIN- 682 018.

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To:

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Kanniyakumari District.
- 2.The Inspector of Police,
Eathamozhi Police Station,
Kanniyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND
K.RAJASEKAR, J.

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