



H.C.P.(MD) No.679 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM:

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

H.C.P.(MD) No.679 of 2024

S.Kannan

... Petitioner

-VS-

1.The Deputy Superintendent of Police,
Thirumangalam Sub-Division,
Madurai District.

2.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents to produce the body or person of the petitioner's uncle namely Rajendran @ Jeyaram (detenu), S/o.Rajaram, aged about 83 years before this Court and set him at liberty.



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For Petitioner :Mr.V.Vijayendiran
For R1 & R2 :Mr.RMS.Sethuraman
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed by the son-in-law of the detenu seeking to produce the alleged detenu namely Rajendran @ Jayaram, S/o.Rajaram, aged about 83 years before this Court and set him at liberty.

2. The case of the petitioner is that his uncle Rajendran @ Jayaram, who was residing at Private Hostel, Kallikudi, was found missing from 2016. Since his whereabouts are not known, one of the relative of the petitioner Sundaraja Reddiyar made a complaint to the second respondent and based on the complaint, a case in Cr.No.5/2017 has been registered under 'Man Missing'. Since no action has been taken, the present habeas corpus petition has been filed.



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3. A detailed status report has been filed. The said status report is taken on file.

4. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that based on the complaint given by one Sundaraja Reddiyar, who is the brother of the missing person, a case in Cr.No.5/2017 was registered under 'Man Missing'. Several witnesses were examined and various steps have been taken. During the enquiry, it came to light that the missing person is an un-married person and he was living away from the family. In the meanwhile, the respondent also understand that one Chitradevi, who is the wife of the Sundaraja Reddiyar, has filed O.S.No.55/2024 before the District Munsif Court, Tirumangalam seeking for a direction to the Tahsildar, Kallikudi to issue death certificate of the detenu as he is absent for more than 7 years and it is deemed to be a civil death as per Section 108 of Indian Evidence Act. He would further submit that various steps have been taken, but they are unable to trace the whereabouts of the detenu.



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5. Considering the facts and circumstances of the case and also considering the fact that the detenu was missing from the year 2016, this habeas corpus petition is closed with a direction to the respondents to complete the investigation as expeditiously as possible in the criminal case and final report shall be filed within a period of two months.

[A.D.J.C., J.] [K.R.S., J.]
20.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

- 1.The Deputy Superintendent of Police,
Thirumangalam Sub-Division,
Madurai District.
- 2.The Inspector of Police,
Kallikudi Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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