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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

**Wednesday, the Third day of January Two Thousand and Twenty Four
PRESENT**

The Hon`ble Mrs.Justice J.NISHA BANU

AND

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN

CRL MP(MD). No.15553 of 2023

in

HCP(MD) No.484 of 2023

G.Janaki

... Petitioner/Petitioner

Vs

1 The Superintendent of Police
O/o the Superintendent of Police
Dindigul District.

2 The Deputy Superintendent Of Police
Office of the Deputy Superintendent of Police
Dindigul District.

3 The Inspector of Police
Dindigul Taluk Police Station
Dindigul District.

... Respondents/Respondents

Prayer in CRL MP(MD). No.15553 of 2023

To set aside the order of dismissal for non prosecution of the Habeas Corpus
Petition in H.C.P (MD) No. 484 of 2023 for no appearance dt. 17.07.2023 and restore
the same on the file of this Hon'ble court.



Prayer in Habeas Corpus Petition(MD) No.484/ 2023 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to issue writ or order or direction in the nature of writ of habeas corpus, directing the respondents to produce the body or person of the petitioner's father, the detenu, viz., Arunachalam, S/o.Alagumalai Pillai aged about 80 years before this court and set him at liberty forthwith.

ORDER:- This Criminal Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.RMS.Sethuraman Additional Public Prosecutor for the Respondents and none having appeared for the petitioner either in person or by an Advocate this Court made the following order:

This petition is filed to set aside the dismissal order passed by this Court for the non-appearance of the petitioner in H.C.P(MD)No.484 of 2023 and to restore HCP (MD)No.484 of 2023.

2.When the matter was taken up for hearing on 06.11.2023, there was no representation for the petitioner. Recording the said non-appearance, this court passed the following order:



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"There is no representation for the petitioner. Interestingly and intriguingly captioned matter is one for restoration qua an order of dismissal for default i.e., no appearance being order 17.07.2023 in main 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience]. However, considering that this is a HCP, we deem it appropriate to give further opportunity to the petitioner.

2.List after eight weeks.

3.List on 03.01.2021".

3.But, even today, there is no representation for the petitioner. Hence, this Criminal Miscellaneous Petition is dismissed for non-prosecution.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS - I/ II / III / IV)

TO

1 The Superintendent of Police
O/o the Superintendent of Police
Dindigul District.



2 The Deputy Superintendent Of Police
Office of the Deputy Superintendent of Police
Dindigul District.

3 The Inspector of Police
Dindigul Taluk Police Station
Dindigul District.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

ORDER DATED : 03/01/2024

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ORDER

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CRL MP(MD). No.15553 of 2023
in
HCP(MD)No.484 of 2023

Giving direction and etc.
as stated within.

SK (02.02.2024) 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.