



H.C.P.(MD)No.501 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.501 of 2020

and

CRL.M.P.(MD)No.4157 of 2020

Sathish Kumar

... Petitioner

-Vs-

- 1.Union of India, Rep. by the Principal Secretary,
Department of Agriculture and Co-operation,
Ministry of Agriculture and Former Welfare (Fishing),
Krishi Bhavan, New Delhi.
- 2.Union of India, Rep. by the Principal Secretary,
Ministry of Defence, Union of India,
New Delhi.
- 3.Union of India,
Rep. by the Principal Secretary,
Ministry of Home Affairs,
Union of India, New Delhi.
- 4.The State of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Fisheries,
Fort St.George, Chennai-600 009.



H.C.P.(MD)No.501 of 2020

5. The State of Tamil Nadu,
Rep. by the Principal Secretary,
Home Department, Fort St.George,
Chennai-600 009.

6. The Director General of Police,
Office of the Director General of Police,
601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

7. The District Collector,
Office of the District Collector,
Kanniyakumari.

8. The Superintendent of Police,
Office of the Superintendent of Police,
Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the person and body of the missing fisherman by name Shibu, S/o. Varghese, aged about 25 years before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For R1 to R3 : Mr.V.Malaiyendran
Standing Counsel

For R4 to R8 : Mr.S.Ravi,
Additional Public Prosecutor



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H.C.P.(MD)No.501 of 2020

ORDER

[Order of the Court was made by *DR.G.JAYACHANDRAN, J.*]

One Shibu, who is a fisherman, went for shipping on 24.07.2020 along with four others and went missing, when the boat capsized in the sea. A complaint was registered by Colachel Marine Police Station in Crime No.11 of 2020 on information given by one Stephen. Later, the investigation was transferred to Pudukadai Police Station and re-registered as Crime No.416 of 2020. One Sathish Kumar, S/o.Markus has filed this Habeas Corpus Petition, seeking a direction to produce the person or body of the missing fisherman by name Shibu, S/o.Varghese, aged about 25 years.

2.The learned Additional Public Prosecutor appearing for the respondents 4 to 8 states that a body was reached at Colachel seashore and after conducting DNA test, it was confirmed that the said body is of Shibu and it was handed over to the father of Shibu, who was cremated as per religious ceremony and final report in the case was filed on 14.02.2021 as 'action dropped'.



H.C.P.(MD)No.501 of 2020

WEB COPY

3. In the light of the above facts, nothing survives in this petition.

Hence, this Habeas Corpus Petition is dismissed. Consequently, connected miscellaneous petition is closed.

[G.J., J.] & [R.P., J.]

04.02.2025

NCC : Yes / No

Index : Yes / No

Yuva

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of Fisheries,
Fort St. George, Chennai-600 009.
2. The Principal Secretary,
State of Tamil Nadu,
Home Department, Fort St. George,
Chennai-600 009.
3. The Director General of Police,
Office of the Director General of Police,
601, Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.
4. The District Collector,
Office of the District Collector,
Kanniyakumari.

Page 4 of 6



H.C.P.(MD)No.501 of 2020

5. The Superintendent of Police,
Office of the Superintendent of Police,
Kanniyakumari District.



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H.C.P.(MD)No.501 of 2020

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

Yuva

H.C.P.(MD)No.501 of 2020

04.02.2025