



H.C.P.(MD)No.767 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

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Sugi

.. Petitioner / mother of
the detenues

Vs.

- 1.The Superintendent of Police
Kanyakumari District, Nagercoil
- 2.The Inspector of Police,
All Women Police Station,
Marthandam, Kanyakumari District
- 3.The Warden
Home of Bethel Ashram
Bethal Nagar,Shenbagaramanpudhur
Nagercoil, Kanyakumari District

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct the 2nd respondent herein to secure the detenues and produce the person or body of the detenues, namely, 1.Sanjana, D/o.Singh aged about 17 years, 2.Saajana D/o.Singh, aged about 15 years, the petitioner's daughters and produce before this Court and handover them custody to the petitioner.



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For Petitioner : Mr.K.Sivabalan
For Respondents : Mr.RMS.Sethuraman
Additional Public
Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

This Habeas Corpus Petition has been filed to direct the respondents to produce the person or body of the petitioner's daughters namely, Sanjana and Saajana, aged 17 and 15 respectively before this Court and set them at liberty.

2.Today, when the case was taken up for hearing, the respondent police have produced the detenues, namely, Sanjana and Saajana. They stated that they had been in the third respondent home pursuant to the earlier arrangement and they want to continue to be in the home till the case, which has been registered against their father, is over.

3.The learned Additional Public Prosecutor would submit that in the said case, which is registered for the alleged offences under the provisions of POCSO Act, charge sheet had already been filed and it will be taken up for trial on 27.07.2023.



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4. In view of the afore-stated, we feel that till the completion of the trial in the said POCSO case filed against the father of the detenues, we feel that it is safe if these detenues be kept at the home safely. Once the trial is over, it is open for the petitioner to file a fresh petition at that circumstances, where depending upon the willingness of the detenues, a decision would be taken up thereon. Therefore, as of now, the prayer that has been sought for by the petitioner cannot be granted. Accordingly, this petition is dismissed. It is made clear that the dismissal of this petition will not preclude the petitioner to seek for the visitation rights of the detenues once in a fortnight and in such circumstances, the petitioner shall be permitted to visit the detenues for a period of one hour. During the period of one hour visit, one responsible police officer from the concerned respondent police station must also be present, so as to prevent any attempts of tampering the evidence or hamper the witness.

(R.S.K.,J.) (K.K.R.K.,J.)
30.06.2023

Internet : Yes
RR



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To

1.The Superintendent of Police
Kanyakumari District
Nagercoil

2.The Inspector of Police,
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Marthandam
Kanyakumari District

3.The Warden
Home of Bethel Ashram
Bethal Nagar
Shenbagaramanpudhur
Nagercoil
Kanyakumari District

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



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**R.SURESH KUMAR,J.
and
K.K.RAMAKRISHNAN,J.**

RR

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