

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P. No.1517 of 2015

S.Noornisha

... Petitioner

-vs-

1.The State rep. by the
Inspector of Police,
E-3 Minjur Police Station,
Minjur, Thiruvallur District.

2.Eswaran

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Habeas Corpus directing the 1st respondent to produce the petitioner's new born male baby from the illegal custody of the second respondent, before this Court.

For Petitioner : Mr.L.Vinoth Kumar
For Respondents: Mr.A.N.Thambi Durai, APP for R1

O R D E R

(Order of the Court made by S.TAMILVANAN,J.)

This petition has been filed by the petitioner/mother of the child directing the 1st respondent to produce the petitioner's new born male baby, who is in the illegal custody of the second respondent, before this Court.

2.The petitioner/S.Noornisha is present before this Court. It is brought to the notice of this Court that the second respondent, who is having intimacy with the petitioner, forcibly took the male baby of the petitioner and handed over the same to one Darati Shyamala, who is also present before this Court and got monetary consideration.

3.Having considered the facts and circumstances of the case, we are of the view that the said Darati Shyamala is properly taking care of the child. However, being the biological mother, the petitioner is entitled to get the custody of the child. Therefore, we are of the view that to hand over the child to the petitioner. Hence, we direct the first respondent to hand over the child to the petitioner.

4.With the above direction, this petition is closed, as nothing further remains to be considered in this petition.

-Sd/-

Assistant Registrar(cs-III)

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Sub Assistant Registrar

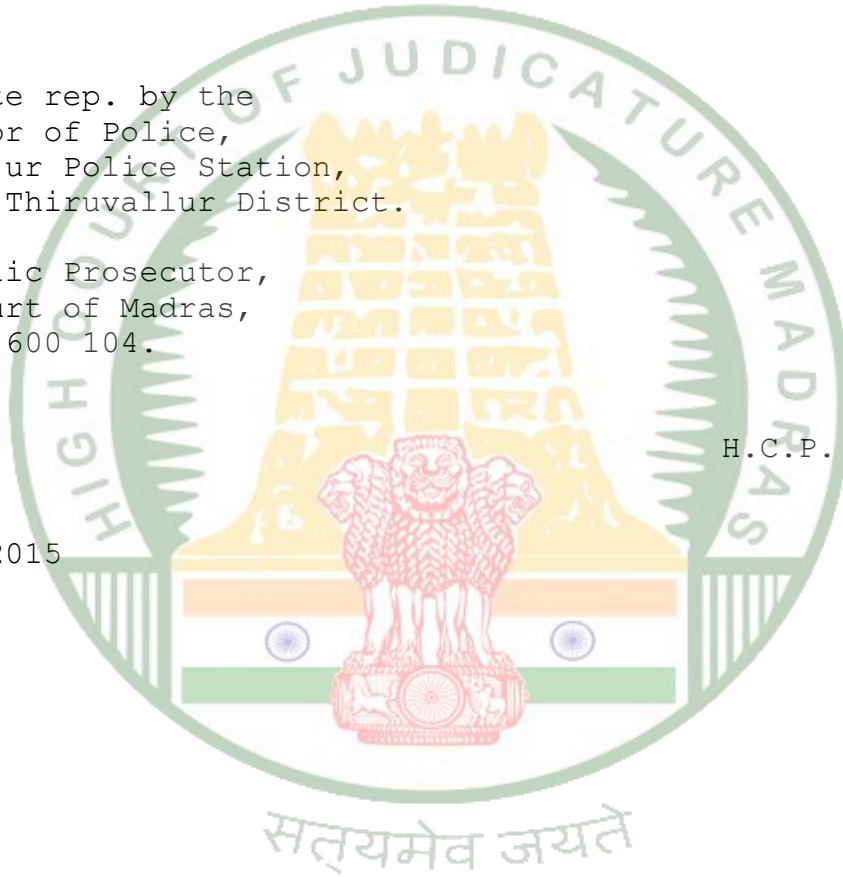
To

1.The State rep. by the
Inspector of Police,
E-3 Minjur Police Station,
Minjur, Thiruvallur District.

2.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

H.C.P. No.1517 of 2015

sai(co)
cp 29/09/2015



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