

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

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THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.2218 of 2015

C.Veluchamy

... Petitioner

Vs.

1. State by
The Superintendent of Police,
Villupuram District, Villupuram.

2. The Sub-Inspector of Police,
Kachirapalayam Police Station,
Kachirapalayam, Villupuram District.

3. Selvam

... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the second respondent police namely the Sub-Inspector of Police, Kachirapalayam Police Station, to secure and produce the detenu namely, Kokila, daughter of Chinnapaiyan, aged 15 years of K.Alambalam Village, Sankarapuram Taluk, Villupuram District and produce her before this Court in person and handover her with the custody of her parents.

For Petitioner : Mr.A.G.Rajan

For Respondent : Mr.A.N.Thambidurai,
Additional Public Prosecutor

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O R D E R
(Order of the Court was made by P.N.PRAKASH, J.)

This Habeas Corpus Petition is filed by the brother of the detenu Kokila seeking direction to the respondents herein to produce the detenu before this Court and set her at liberty.

2. On 16.11.2015, this Court has passed the following order:

Today, though the above Habeas Corpus petition is not listed in the Cause List, the same is taken up for hearing out of turn, at the instance of the learned Additional Public Prosecutor, since the detainee Kokila has been secured by the respondent police.

2. The detainee Kokila, aged about 15 years, is produced before this Court today. On enquiry, the detainee has expressed her willingness to go along with her parents.

3. Learned Additional Public Prosecutor submitted that during the course of investigation in Cr.No.219/2015, the respondent police secured the detainee and produced her before the learned Judicial Magistrate, Kallakurichi, Villupuram District and was housed in Don Bosco Children's Home, Kedilam, Maaranodai, Villupuram District-606107, from where she has been produced before us today.

4. Since the matter is taken up out of turn, the learned counsel for the petitioner was not put on notice. Therefore, this Court directs the respondent police to house the detainee at the Don Bosco Children's Home, Villupuram District and comply with the further direction that may be issued by the learned Judicial Magistrate, Kallakurichi, from time to time.

5. The respondent police is directed to inform the parents of the detainee in writing about the place where the detainee is housed. The parents are at liberty to approach the learned Judicial Magistrate, Kallakurichi, seeking custody of their daughter/detainee herein, in accordance with law, since the detainee has expressed her willingness to go along with her parents.

6. Call the matter on 18.11.2015."

3. Today, when the matter was called, learned counsel appearing for the petitioner was informed that the detainee was produced before this Court on 16.11.2015 and that she is now lodged in Don Bosco Children's home, Kedilam, Maaranodai, Villupuram District and hence, the petitioner can approach the learned Judicial Magistrate, Kallakurichi by filing an appropriate application for the custody of the child.

4. Accordingly, this Habeas Corpus Petition stands closed giving liberty to the petitioner to approach the learned Judicial Magistrate, Kallakurichi seeking custody of the child. On such application being filed, the learned Judicial Magistrate, Kallakurichi shall entertain the said application and pass orders on merits and in accordance with law.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Sub-Inspector of Police,
Kachirapalayam Police Station,
Kachirapalayam, Villupuram District.
3. The Warden/Care Taker
Don Bosco Children's Home
Kedilam, Maaranodai
Villupuram District.
4. The Judicial Magistrate
Kallakurichi, Villupuram District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.G.Rajan, Advocate, S.R.No.62376

H.C.P.No.2218 of 2015

SAI (CO)
CA(30/11/2015)