

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.13069 of 2015

Kanniammal

..Petitioner

Vs

The State rep by
Inspector of Police
All Women Police Station
Cheyyar
Thiruvannamalai District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to conduct medical examination on the accused namely Dilli Babu, aged about 17 years, S/o Vishwanathan, to find out the mental status of the accused in the above Cr.No.5 of 2015 on the file of Inspector of Police, All women Police Station, Cheyyar, Thiruvannamalai District.

For Petitioner : Mr.M.Karthikeyan
For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondent police to conduct medical examination on the accused namely Dilli Babu, aged about 17 years, S/o Vishwanathan and to find out the mental status of the accused in the above Cr.No.5 of 2015 on the file of Inspector of Police, All women Police Station, Cheyyar, Thiruvannamalai District.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. This is a very peculiar case, where the victim is a 4-1/2 years girl, who is said to have been sexually assaulted by the accused, who is about 17 years old and is found to be mentally deranged. On a complaint given by the victim's parent, the respondent police registered a case in Cr.No.5/2015 on 16.04.2015 for an offence under Section 379 IPC and Sections 3 and 7 of the POSCO Act, 2012. The accused, who is a juvenile, was apprehended and when he was produced before the Juvenile Magistrate on 16.04.2015, it was brought to the notice of the learned Magistrate that, he is suffering from 68% mental disability. The medical records of the accused show

that he is partially blind. Therefore, the learned Judicial Magistrate, Thiruvannamalai did not remand him to any custody and after recording the same, she had handed over him to his parents.

4. It is apprehended by the learned counsel for the petitioner/de facto complainant that if the accused is left free, he would continue to keep doing such offence. Even according to the respondent police who is present here, this accused has committed similar offences earlier and the law was not able to catch upon him, on account of his mental disability.

Under such circumstances, this Court directs the respondent police to make appropriate application under the Mental Health Act before the competent Court and produce the case records and crime records relating to this petitioner, so that the appropriate Court shall pass orders of internment of the petitioner so that he is not at large.

With the above direction, this petition is closed.

gms

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. Inspector of Police
All Women Police Station
Cheyyar
Thiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.M.Karthikeyan, Advocate SR 27081

vd(co)
prk5/6

WEB COPY

Cr1.OP No.13069 of 2015