

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
AND
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

HABEAS CORPUS PETITION NO.2673 OF 2014

P.Chennappan

.... Petitioner

Vs.

1. The Superintendent of Police,
Vellore, Vellore District.
2. The Deputy Superintendent of Police,
Tirupattur, Vellore District.
3. Inspector of Police,
Kandili Police Station,
Tirupattur Taluk,
Vellore District.
4. P.Ramesh
5. Perumal
6. Kaveri

.... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the respondents to produce the body of the detainee Minor C.Agila aged 14 years before this Court and set her at liberty.

For Petitioner : Mr.P.S.Kothandaraman

For Respondents: Mr.A.N.Thambidurai,
Addl. Public Prosecutor - R1 to R3

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition is filed by the father of the detainee Minor C.Agila for a direction to the respondents to produce the detainee before this Court and set her at liberty.

2. On 09.12.2015, this Court has passed the following order:

"It is the case of the petitioner that his daughter C.Agila, born on 17.11.1999, aged about 14 years went missing on 04.05.2014, in connection with which a case in Crime No.100 of 2014 has been registered by the Kandili Police Station - third respondent herein.

2. Today, the detenue has been produced by her counsel Mr.R.Sunil Kumar. She states that she delivered a baby 20 days ago. She came along with the infant before this Court. She is accompanied by her father-in-law, Mr.Perumal.

3. Learned counsel appearing for the petitioner submits that the petitioner was not informed about the production of the detenue before this Court today and therefore, the parents of the detenue are not in a position to be present before this Court.

4. Since the detenue is minor, we direct Ms.K.Bharathi, Special Sub-Inspector of Police, Kandili Police Station, Thirupattur Taluk, Vellore District to produce the detenue C.Agila before the learned Judicial Magistrate No.2, Thirupattur forthwith.

5. The parents of the detenue shall be duly intimated about the production of the detenue before the Judicial Magistrate No.2, Thirupattur.

6. Mr.Perumal, who claims to be the father-in-law of the detenue and who accompanied her undertakes to go before the Judicial Magistrate Court No.2, Thirupattur along with the detenue, since the detenue is living with them. The father-in-law submits that the parents of the detenue are related to them.

7. Under such circumstances, we direct Judicial Magistrate No.2, Thirupattur to record the statement of concerned persons and if the parents of the detenue want to take custody of the detenue, the Judicial Magistrate No.2, Thirupattur is at liberty to pass appropriate orders and if not, the Judicial Magistrate No.2, Thirupattur is directed to send the detenue C.Agila before the Local Child Welfare Committee, who shall pass appropriate orders in accordance with the Juvenile Justice Act.

List the matter on 21.12.2015 for reporting compliance."

3. Learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State submit that pursuant to the order passed by this Court dated 09.12.2015, the detainee Minor C.Agila was produced before Judicial Magistrate No.2, Tirupattur, from where, the custody of the girl has been handed over to her parents.

4. Recording the above submission, this Habeas Corpus Petition stands closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Tirupattur.
2. The Superintendent of Police,
Vellore,
Vellore District.
3. The Deputy Superintendent of Police,
Tirupattur,
Vellore District.
4. Inspector of Police,
Kandili Police Station,
Tirupattur Taluk,
Vellore District.
5. The Public Prosecutor,
High Court,
Madras.

H.C.P.No.2673 of 2014

mg (CO)
srg (07/01/2016)