

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2015

CORAM:

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.3258/2014

D.Shantha

...Petitioner

Vs

1. The State by the Inspector of Police,
Thiruppur Rural Police Station,
Thiruppur District.

2. The Superintendent of Prison,
Central Prison,
Coimbatore.

...Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus directing the respondents to produce the petitioner's son namely Praveen Kumar, son of Dhanabal, aged about 22 years, Convict Prisoner, now confined in the Central Prison, Coimbatore before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.A.N.Thambidurai
Additional Public Prosecutor

ORDER

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

The petitioner, who is the mother of the detenu, namely, Praveen Kumar, Son of Dhanapal, aged about 22 years, Convict Prisoner, has come forward with this petition praying to direct the respondents to cause production of her son/ detenu Praveen Kumar before this Court and set him at liberty.

2.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. We have received a report from the learned II Additional District and Sessions Judge, Tiruppur in D.No.623/2015 dated 06.08.2015 based on the order of this Court dated 28.04.2015.

4. In the said report, the learned Additional District and Sessions Judge, Tiruppur, submitted that she has conducted an enquiry and thereby concluded her finding stating that the Convict Praveenkumar, Son of Dhanapal, was a Juvenile, aged about 17 years 9 months, at the time of commission of the offence i.e. on 27.09.2009. It is not in dispute that the detenu has already undergone more than three years imprisonment.

5. Section 15(f) of the Juvenile Justice (Care and Protection of Children) Act, 2000 reads as follows:

"(f) direct the juvenile to be released on probation of good conduct and placed under the care of any fit institution for the good behaviour and well-being of the juvenile for any period not exceeding three years.... "

6. Having considered the report of the II Additional District and Sessions Judge, Tiruppur and the fact that the detenu Praveen Kumar, who is a juvenile, has undergone already more than three years of imprisonment, we are of the view that this petition has to be allowed and the detenu is directed to be released forthwith, unless his presence is required in connection with any other case.

7. With the above observation, the Habeas Corpus Petition is allowed.

Sd/-सत्यमेव जयते
Assistant Registrar(CS-II)

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Sub Assistant Registrar

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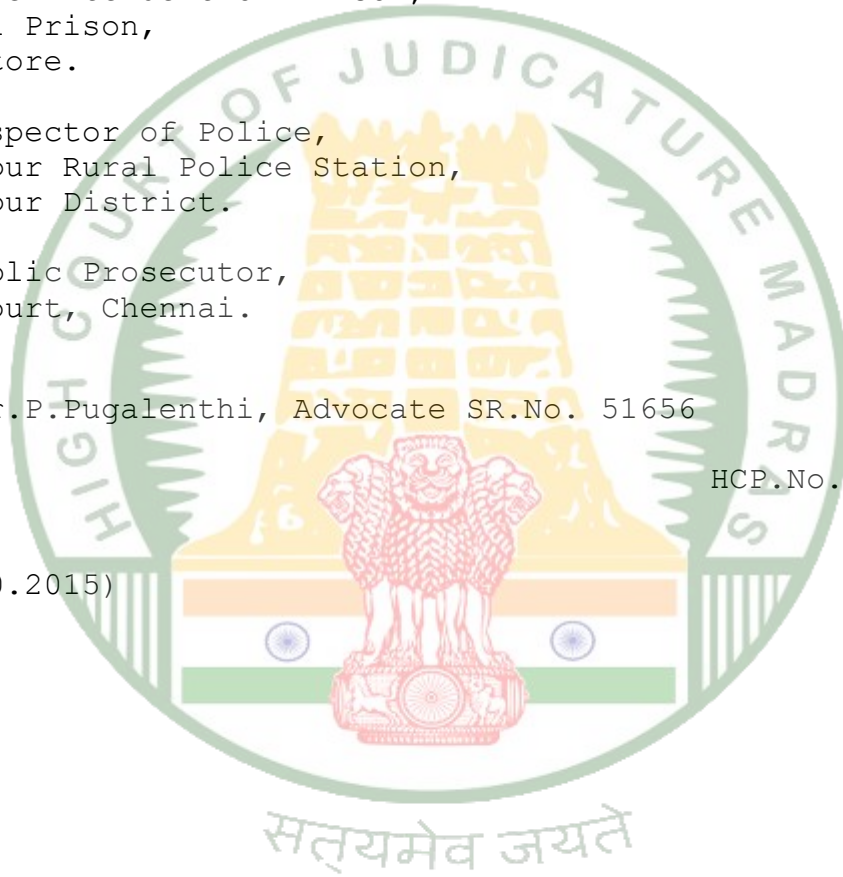
To

1. The Additional District and Sessions Judge,
Tiruppur.
2. The Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George,
Chennai - 9.
3. The Superintendent of Prison,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Thiruppur Rural Police Station,
Thiruppur District.
5. The Public Prosecutor,
High Court, Chennai.

1 CC to Mr.P.Pugalthi, Advocate SR.No. 51656

HCP.No.3258/2014

UG (CO)
PSI (27.10.2015)



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