



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

HCP (MD) No.1482 of 2015

Backiyam

.. Petitioner

vs.

1.The Superintendent of Police,
Theni, Theni District.

2.The Inspector of Police,
Chinamanoor Police Station,
Theni District.

3.Banu

4.Kanaga

... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue writ or order direction in the nature of Writ of Habeas Corpus directing the 2nd Respondent to produce the body or person of the petitioner's son namely Minor. Sathishkumar S/o.Moorthi, aged 17 years before this Court and hand over custody to the petitioner.

For Petitioner	: Mr.M.Subashbabu
For RR - 1 & 2	: Mr.R.Ramachandran, Additional Public Prosecutor.
For RR - 3 & 4	: M/s.A.Rajini
For detenu	: Mr.A.Kannan

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

This is a Habeas Corpus Petition filed by the mother of a person, claims to be transgender, seeking her release.

2.Heard Mr.M.Subashbabu, learned counsel for the petitioner, Mr.R.Ramachandran, learned Additional Public Prosecutor for the respondents 1 and 2 and Mr.A.Kannan, learned counsel representing the detenu.

3.The learned counsel representing the detenu filed an affidavit before Court stating that the detenu was actually born on 25.05.1997 and studied upto 9th standard in the Madurai Corporation Elango Higher Secondary School. She thereafter continued the 11th and 12th standard at <https://hcservices.mca.gov.in/hcservices/> Periyasambathur. The detenu claims to be a major. According to the learned counsel for the detenu, on the basis of a forged and fabricated school certificate, as though the



detenu was born on 25.05.1998, the detenu was sent to a Home by name Rejoice Children Home at Mullai Nagar, Theni District and that the detenu was housed there.

4.The petitioner has filed a school certificate showing the date of birth of the detenu as 25.05.1998. But that certificate does not inspire the confidence of this Court. It is neither a transfer certificate nor a certificate issued in the usual course by a school. Therefore, on the basis of the certificate produced by the petitioner, we cannot hold that the detenu is a minor.

5.The detenu appeared before us. The detenu claimed that he was born on 25.05.1997 and that from the age of 15 he felt to be a woman. The transformation was not to the liking of the parents, forcing the parents to ill-treat her. Therefore, the detenu claims that she had gone out of the home on her own volition and joined the respondents 3 and 4.

6.The statement made by the detenu, appears to be more truthful than the claim made in the affidavit in support of the Habeas Corpus Petition. Therefore, the Habeas Corpus Petition is dismissed.

7.The detenu states that she will not even stay with the respondents 3 and 4, but will stay in Bharathi Kannamma Trust at Madurai. The statement is recorded. Neither the petitioner nor the respondents 1 and 2 shall harass the detenu.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar.

- 1.The Superintendent of Police,
Theni, Theni District.
- 2.The Inspector of Police,
Chinamanoor Police Station,
Theni District.
- 3.The Addl.Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Officer Incharge,
Bharathi Kannamma Trust,
Madurai.

+1CC to Mr.M.Subash Babu, Advocate, SR.No. 66852
+1CC to Mr.A.Rajini, Advocate, SR.No. 65573
+2CC to Mr.A.Kannan, Advocate, SR.No. 66609

HCP(MD) No.1482 of 2015
20.11.2015