

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.3242 of 2015

Vimala Petitioner

Vs

1. State by
The Superintendent of Police,
Sathuvachari,
Vellore District.
2. The Sub Inspector of Police,
Town Police Station, Vaniyambadi,
Vellore District.
3. Venkatesan Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the 2nd respondent to produce the body of petitioner's daughter, namely Ramya aged about 17 years before this Court and hand over custody to the petitioner herein.

For Petitioner : Mr.M.Prem Kumar

For R1 and R2 : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of one Miss. Ramya aged 17 years. Her date of birth is 20.10.1998. According to the petitioner, she was kidnapped by the third respondent and illegally detained. In this regard, a case has been registered in Cr.No.345 of 2015 on the file of the second respondent. Since the detainee was not traced, the petitioner has come up with this Habeas Corpus Petition.

2. Today, the Habeas Corpus Petition was listed in the special list. The detenue was produced before this Court by the 3rd respondent. The petitioner also made her appearance.

3. The learned Additional Public Prosecutor submitted that a case has been altered under the provisions of the Protection of Children from Sexual Offences Act, 2012. The 3rd respondent was arrested and now he has been remanded to judicial custody. In connection with this case, the detenue is to be produced before the Magistrate concerned. The detenue has stated that she would go with her mother. The said statement is recorded.

4. At any rate, this Court cannot pass an order in respect of the custody of the detenue because it is for the jurisdictional Magistrate to decide. Therefore, the second respondent shall take her and produce her before the jurisdictional Magistrate and the jurisdictional Magistrate shall pass appropriate orders in respect of her custody.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Sathuvachari,
Vellore District.
- 2.The Sub Inspector of Police,
Town Police Station, Vaniyambadi,
Vellore District.
- 3.The Judicial Magistrate,
Vaniyambadi.
- 4.The Chief Judicial Magistrate,
Vellore(for information)
- 5.The Public Prosecutor,
High Court, Madras.

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srg 18/07/2016