

In the High Court of Judicature at Madras

Dated: 27.01.2016

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The Honourable Mr.JUSTICE R.SUDHAKAR
and
The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3255 of 2015

S.Chandrakumar

.... Petitioner

Vs.

1. The State
represented by
Inspector of Police,
Sulur Police Station,
Coimbatore - 641 004.

2. Thangathaal
3. Devasigamani

.... Respondents

PETITION under Section 226 of The Constitution of India praying for the issuance of Writ of Habeas Corpus directing the first respondent herein to produce the body and person of the detainee C.Suganya, D/o S.Chandrakumar, aged about 17 years before this Court and set her at liberty.

For Petitioner : Mr.B.Nedunchezhiyan

For Respondents: Mr.M.Maharaja
Additional Public Prosecutor

सत्यमेव जयते
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 seeking direction to the respondents to produce the detainee, C.Suganya, before this Court and set her at liberty.

2. On 20.01.2016, this Court has passed the following order:

"At request of the learned Additional Public Prosecutor, this case was taken out of turn, since the police had secured the detainee, namely C.Suganya and are producing before this Court. Therefore,

there is no representation for the petitioner when the case was called.

2.Mr.P.Jagadeesan, Special Sub Inspector of Police, Sulur Police Station, Coimbatore District is present before this Court.

3.The detainee was produced before us and on enquiry, she stated that she is a major and that her Date of Birth is 07.01.1998. She further stated that her mother Manimegalai died and that her father S.Chandrakumar, who is the petitioner herein is running a provision shop. She also stated that she is in love with one Devasigamani, the third respondent herein, who belongs to a different community and the same is being objected to by her father and therefore, she went to the house of her maternal grandmother Angathal, residing at Eswaran Koil Street, Pallapalayam Village, Sulur Taluk, Coimbatore District.

4.The learned Additional Public Prosecutor submitted that the girl is giving contradictory versions and that she herself voluntarily came to the Police Station and surrendered.

5.Be that as it may, since the petitioner is not present before this Court, we are of the opinion that it will be in the fitness of things, if the Police is directed to produce the detainee in Cr.No.858 of 2015 before the learned Judicial Magistrate VII, Coimbatore District which is the jurisdictional Court.

6.Accordingly, the respondent police is directed to produce the detenu Suganya before the learned Judicial Magistrate No.VII, Coimbatore. The police shall also direct the petitioner to appear before the learned Magistrate. The learned Magistrate shall enquire into the matter and pass orders in accordance with law for handing over custody of the detainee. Until then, we direct that the detainee be housed in Snega Ladies Homes, Palladam Police Limits, Thiruppur District.

7.For reporting compliance, call on 27.01.2016."

3. Today, when the matter was called, learned Additional Public Prosecutor submits that the detainee has been produced before learned Judicial Magistrate No.VII, Coimbatore on 22.01.2016 and her sworn statement has been recorded. He produced the sworn statement recorded by the Judicial Magistrate as well as the order passed by the Judicial Magistrate.

4. On a perusal of the statement recorded by Judicial Magistrate No.VII, Coimbatore, we find that the detenue has attained the age of majority and she expressed her willingness to go with the third respondent herein. Therefore, on the strength of the sworn statement of the detenue, the Judicial Magistrate has permitted the detenue to go with Deivasigamani, the third respondent herein. However, we find that the Magistrate has not ordered notice to the petitioner herein before passing the order.

5. Learned counsel appearing for the petitioner submits that the petitioner wants to see his daughter and hence it would suffice if the petitioner is permitted to see his daughter and ascertain from her directly about her willingness.

6. Today, the Sub-Inspector of Police, Sulur Police Station is present. We direct the petitioner to appear before the Inspector of Police, Sulur Police Station on 30.01.2016 at 10.30. a.m. to meet his daughter. The Inspector of Police, Sulur Police Station is directed to bring the detenue to the Police Station on 30.01.2016 and permit the petitioner to meet her.

7. With the above direction, this Habeas Corpus Petition stands closed. A copy of the sworn statement recorded by Judicial Magistrate No.VII, Coimbatore and the order passed by him were furnished to the learned counsel appearing for the petitioner.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.VII, Coimbatore.
2. Do 'Thro' The Chief Judicial Magistrate, Coimbatore.
3. The Inspector of Police, Sulur Police Station,
Coimbatore - 641 004.
4. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.B.Nedunchezhiyan, Advocate Sr 4937 (28/1/16)

H.C.P.No.3255 of 2015

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