

In the High Court of Judicature at Madras

Dated: 25.01.2016

Coram

The Honourable Mr.JUSTICE R.SUDHAKAR
and

The Honourable Mr.JUSTICE P.N.PRAKASH

Habeas Corpus Petition No.3264 of 2015

K.Lakshmanan

.... Petitioner

Vs.

State by

1. The Superintendent of Police,
Tiruppur & District.
2. The Sub-Inspector of Police,
Tiruppur City North Police Station,
Tiruppur District.
3. Jahir Hussain

.... 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 and person of the petitioner's minor daughter, aged about 17 years, who is kidnapped by and under the illegal custody of respondent No.3 before this Court and set her at liberty.

For Petitioner : Mr.C.Rajaguru

For Respondent : Mr.A.N.Thambidurai
Additional Public Prosecutor - R1 & R2

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 directing to the respondents to produce the detainee, aged about 17 years, before this Court and set her at liberty.

2. It is the case of the petitioner that his daughter X, aged about 17 years, was kidnapped by the third respondent, in connection with which, a case in Crime No.1262 of 2015 has been registered initially by the Tiruppur North Police Station under Section 366A IPC. Since the respondent - police have not taken effective steps to trace the detainee, the petitioner has filed the present Habeas Corpus Petition.

3. Learned Additional Public Prosecutor, on instruction, submits that the third respondent herein was arrested by the police on 09.01.2016 and the detainee was also secured. After completing the formalities like medical examination, the detainee was handed over to her parents and the accused was remanded to the judicial custody. At the time of remand, the respondent - Police have filed alteration report and the offence was altered from Section 366A IPC to one under Section 363 IPC and Section 5(1) read with Section 6 of the POCSO Act, 2012. He further submits that statement under Section 164 Cr.P.C. has been recorded from the the detainee before the Judicial Magistrate, Udumalpet on 11.1.2016.

4. Today, the detainee and her parents are present before this Court. The Inspector of Police, North L&O, Tirupur City is also present before this Court.

5. Taking into consideration the gravity and nature of offence committed by the third respondent, we direct the respondent - police to pursue the investigation in this case and find out the involvement of any other person other than third respondent in the child racketing. We also direct the respondent - police to maintain surveillance and give adequate protection to the detainee and her family members against any attempt by the accused party to tamper with the evidence. It is made clear that any violation in this regard will be viewed seriously by this Court. The respondent - police is also directed to expedite the conduct of investigation and file the final report before the jurisdictional Court. The Commissioner of Police, Tiruppur is directed to monitor the investigation in this case.

6. With the above direction, this Habeas Corpus Petition stands closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

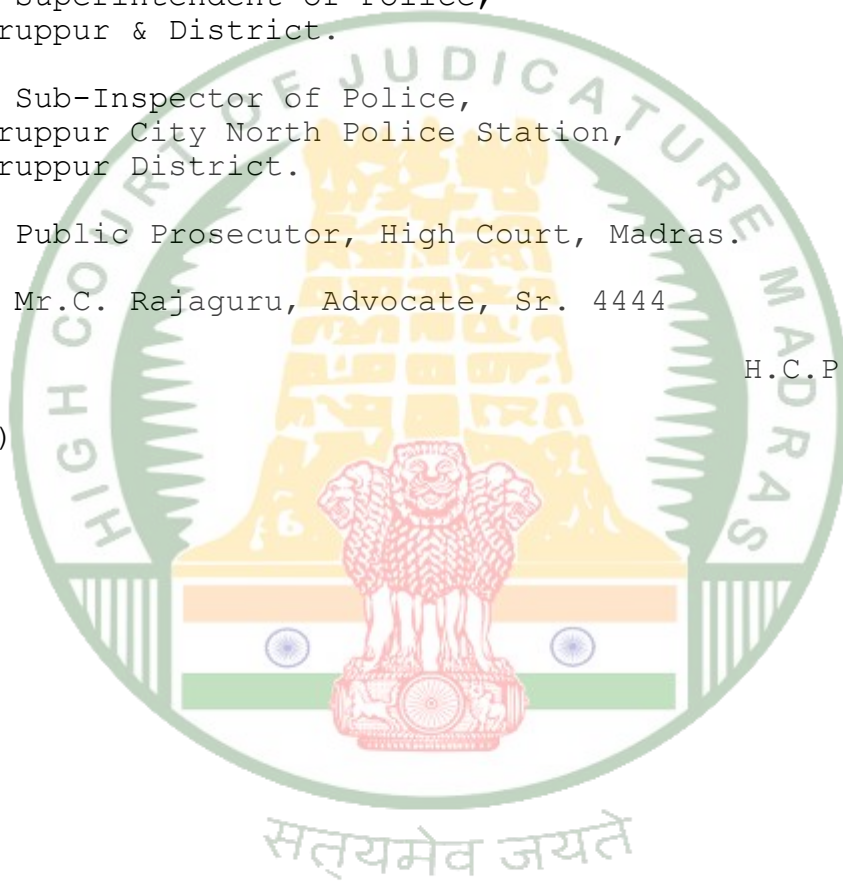
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To

1. The Commissioner of Police,
Tiruppur.
 2. The Mahila Court, Tiruppur
 3. The Judicial Magistrate No.1, Tiruppur
 4. The Superintendent of Police,
Tiruppur & District.
 5. The Sub-Inspector of Police,
Tiruppur City North Police Station,
Tiruppur District.
 6. The Public Prosecutor, High Court, Madras.
- 1 cc to Mr.C. Rajaguru, Advocate, Sr. 4444

H.C.P.No.3264 of 2015

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