

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2016

CORAM

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

H.C.P.No.1163 of 2016

Kumar

...Petitioner

vs.

1.The Superintendent of Police,
District Police Office,
Villupuram District, Villupuram - 605 602.

2.The State Rep. by
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
(Crime No.238 of 2016)

3.Manikandan

...Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus, to direct the respondents to produce the petitioner's minor daughter namely Meena Sowndarya aged about 14 years, before this Court and set her at liberty.

For Petitioner : Mr.G.Pugazhenth

For Respondents: Mr.V.M.R.Rajentren
Additional Public Prosecutor
for R1 and R2
Mr.C.Munusamy for R3

O R D E R

[Order of the Court was made by S.Nagamuthu, J.]

The petitioner is the father of one Ms.Meena Sowndarya, aged 14 years. She is now studying 10th standard. According to the petitioner, she was kidnapped by the third respondent and detained illegally.

2. Today, when this Habeas Corpus Petition was taken up in a special list, the petitioner's wife Ms.Devi made appearance. The minor girl Ms.Meena Sowndarya was also produced by the second respondent.

3. The learned Additional Public Prosecutor submitted that the investigation has revealed that the detainee was taken by the third respondent on 12.05.2016 under compulsion. He performed marriage on 13.05.2016; set up a rented house and where he had sexual intercourse with the detainee continuously. The detainee was secured on 05.07.2016.

4. When we enquired the minor girl, she admitted the above events. She would submit that she is prepared to go with her mother and to be in her custody to continue the education. The said statement is recorded. The mother of the minor girl would submit that she is willing to take the detainee back and to keep her in her custody. However, in our considered view, the order regarding the custody of the minor girl has to be made by the Special Court under the POCSO Act, because, a case is pending before the Special Court under the POCSO Act, Villupuram.

5. In view of the above, the Habeas Corpus Petition is disposed of with a direction to the second respondent to cause production of the minor girl Meena Sowndarya before the Special Court under the POCSO Act, Villupuram District. On such production, the said Court shall pass appropriate orders regarding the custody of the minor girl.

Sd/-

Assistant Registrar(CS VII)

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सत्यमेव जयते

Sub Assistant Registrar

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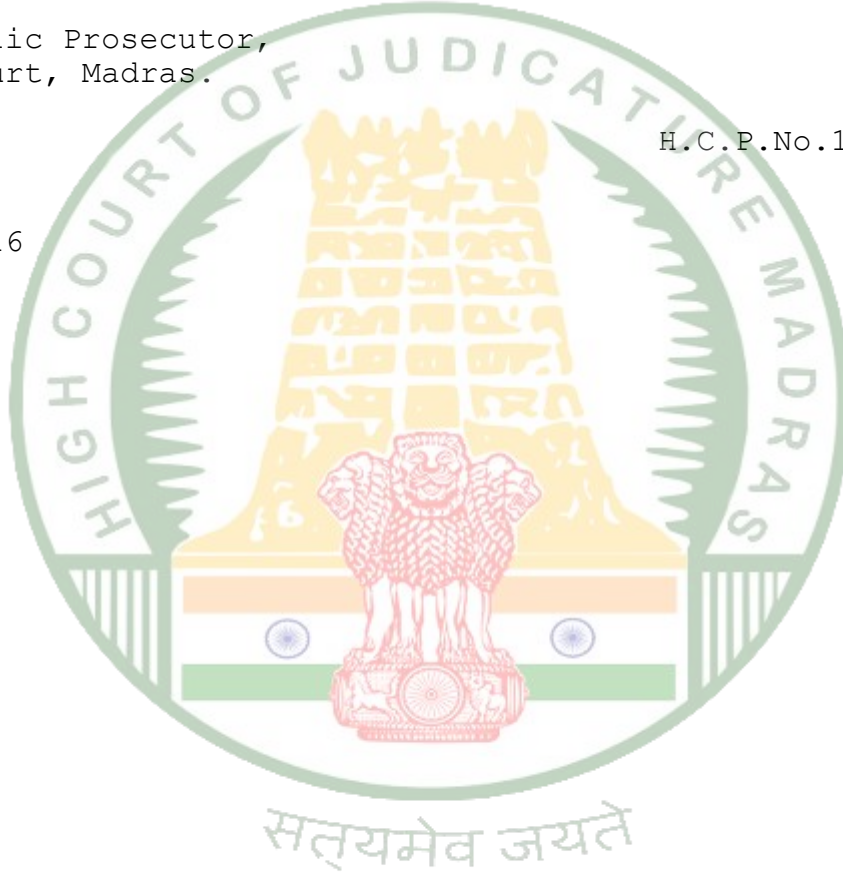
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To

- 1.The Superintendent of Police,
District Police Office,
Villupuram District, Villupuram - 605 602.
- 2.The State Rep. by
The Inspector of Police,
Marakkanam Police Station,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1163 of 2016

GJ(CO)
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