

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

AND

THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P.No.2187 of 2016

C.Priyanka ... Petitioner

-vs-

1.The Inspector of Police,
Chinna Kancheepuram.

2.The Child Welfare Centre,
Chengelpet. ... Respondents

Petition under Article 226 of the Constitution of India, for issuance of a Writ of Habeas Corpus, directing the respondents to produce the body of the detenu Minor C.Sakthivel, aged about 6 years and set him at liberty.

For Petitioner :: Mr.D.Baskar

For Respondents :: Mr.V.M.R.Rajentren,
Additional Public Prosecutor
for R1
Ms.Shaikh Mehrunisa for R2

ORDER

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

This Habeas Corpus Petition has been filed by the petitioner seeking a direction to the respondents to produce the body of the detenu Minor C.Sakthivel, aged about 6 years and set him at liberty.

2.When this Habeas Corpus Petition was taken up today, the detenu Minor C.Sakthivel, aged about 6 years was produced by the second respondent-Child Welfare Centre through its Member Mr.Zaheeruddin Mohamed. It is stated by him that the child was produced before them by the police on 27.09.2016 and since then, the child is in their custody.

3.The petitioner and her husband, ie., the parents of the minor child are present today before this Court. On enquiry, it is revealed that the minor child ran away from home fearing further punishment by his father, who beat him up for some mischief committed by him. Since the detenu is a minor boy aged about 6 years and he is attached with his mother which is clearly visible in the Court, this Court feels that it would be appropriate to direct the second respondent to hand over the detenu to his mother, the petitioner herein. However, considering the circumstances in which the minor detenu went away from home, it will be just and proper to direct the petitioner and her husband to produce the minor detenu before the second respondent, viz. Mr.Zaheeruddin Mohamed, Member, Child Welfare Centre, Kancheepuram District, Chengalpattu, at 10.30 a.m. on every first Monday of the English Calendar month for the next one year.

4.It is ordered that the child will have to be taken to the Child Welfare Centre, the second respondent herein, and the authorities concerned are directed to hand over the child to the petitioner on production of necessary identification. The Child Welfare Committee is also directed to make surprise visits to the petitioner's home and keep monitoring about the welfare of the minor child for the next one year.

5.The Habeas Corpus Petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

KM

To

1.The Inspector of Police,
Chinna Kancheepuram.

2.The Child Welfare Centre,
Chengelpet.

WEB COPY

3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1cc to Mr.D. Baskar, Advocate, S.R.No.62402

nm(CO)
md(03/11/2016)

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