

In the High Court of Judicature at Madras

Dated: 27.01.2016

Coram

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

Habeas Corpus Petition No.41 of 2016

P.Jayanthi

..... Petitioner

Vs.

1.The State of Tamil Nadu
rep by its Secretary to Government
Home Department
Fort St.George
Chennai 600 009.

2.The Superintendent of Police
Kanchipuram District.

3.The Commissioner of Police
Greater Chennai, Vepery
Chennai 600 007.

4.The Station House Officer
T4-Maduravoyal Police Station
Chennai 600 095.

5.The Station House Officer
Sree Kalahasthi Town-1 Police Station
Sree Kalahasthi, Andhra Pradesh

..... Respondents

PETITION under Section 226 of The Constitution of India
praying for the issuance of Writ of Habeas Corpus directing
the respondent police to cause the production of body of
detenu Master P.Vijayan (minor-date of birth : 25.01.1998)
before this Court and declare the detenu (minor master
P.Vijayan) as a juvenile in conflict with law set him at
liberty forthwith.

For Petitioner : Mr.K.Shakespeare

For Respondents : Mr.M.Maharaja
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.N.PRAKASH,J.)

This Habeas Corpus Petition has been filed by the petitioner to direct the respondent police to cause production of body of detenu Master P.Vijayan (minor-date of birth : 25.01.1998) before this Court and declare him as a juvenile in conflict with law and set him at liberty forthwith.

2. When the matter was taken up for hearing, learned counsel for the petitioner submitted that, the petitioner's son was arrested by the Inspector of Police, Sree Kalahasthi Town -1 Police Station, in connection with which a case in Cr.No.218 of 2015 was registered for offences under Sections 302, 201, 379 r/w 34 IPC and produced before the learned Judicial Magistrate, Sree Kalahasthi on 04.01.2016. He also submitted that the petitioner's son has been remanded on the premise that he is a major, but whereas, there are sufficient materials to show that he has not attained the age of majority and that he is a juvenile in conflict with law. He further submitted that this Court has jurisdiction under Section 7-A of Juvenile Justice [Care and Protection of Children] Act, 2000 to conduct enquiry on the juvenility of the accused.

3. We are unable to countenance this argument for the simple reason that, no part of the cause of action arose within the jurisdiction of the High Court of Judicature at Madras. The offence in question is said to have taken place at Andhra Pradesh, in connection with which a case has been registered by Sree Kalahasthi Police and the petitioner's son has been arrested by the said police. He was also produced before the jurisdictional Magistrate who has directed him to judicial custody. So, there is a judicial order, via which the petitioner's son has been lodged in prison and his custody cannot be per se called illegal. That apart, since no part of cause of action has arose within the jurisdiction of this Court, it is not open for this Court under Section 7-A of Juvenile Justice [Care and Protection of Children] Act, 2000 to enquire with regard to the claim of juvenility.

Recording the same, this Habeas Corpus Petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

gms

To

- 1.The Secretary to Government
State of Tamil Nadu
Home Department,
Fort St.George, Chennai 600 009.
- 2.The Superintendent of Police
Kanchipuram District.
- 3.The Commissioner of Police
Greater Chennai, Vepery, Chennai 600 007.
- 4.The Station House Officer
T4-Maduravoyal Police Station, Chennai 600 095.
- 5.The Station House Officer
Sree Kalahasthi Town-1 Police Station
- 6.The Public Prosecutor, High Court, Madras.

H.C.P.No.41 of 2016

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