

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5.5.2016

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE DR.JUSTICE S.VIMALA

H.C.P.No.965 of 2016

TMT.VIJAYALAKSHMI ... petitioner

versus

- 1 THE CHAIR PERSON,
CHILD WELFARE COMMITTEE PUDUCHERRY REGION
CAMP OFFICE AT OHSS
ARIYANKUPPAM, PUDUCHERRY
- 2 OBSERVATION HOME FOR GIRLS
VUDHAVI KARANGAL SAMUGANALA THODAR KALVI
IYAKKAM NO.76 REDDIAR ST. MADUKARAI ROAD
ABISHEKAPAKKAM PUDUCHERRY 605 007
- 3 THE SUB INSPECTOR OF POLICE
GRAND BAZAAR POLICE STATION PUDUCHERRY
- 4 THE SUPERINTENDENT OF POLICE
CBCID PUDUCHERRY ... respondents

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.V.Balamurugane,

Government Advocate (Crl.Side) Puducherry

PRAYER: Petition filed under Article 226 of the Constitution of India for issue of Writ of Habeas Corpus in the nature of a writ directing the respondents to produce the corpus of the detinue Minor Jayanthi daughter of the petitioner before this Honourable Court and permit her to stay with the petitioner for a period of one week from 10.05.2016 to 16.05.2016 to attend the marriage of her brother/petitioners son A.Aanandakumar.

O R D E R

(made by K.K.SASIDHARAN, J.)

This Habeas Corpus Petition is filed by the mother of Ms.Jayanthi, to produce the minor before this Court and permit her to stay at home from 10 May 2016 to 16 May 2016, in connection with the marriage of her brother's son on 12 May 2016.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The daughter of the petitioner was sexually exploited

and the same resulted in registration of a case in Cr.No.89 of 2014 by the Grand Bazar Police Station, Puducherry. The Investigating Officer, after investigation, filed a charge sheet and the same was taken on file in S.C.No.4 of 2015, on the file of Principal Sessions Judge, Puducherry. The minor girl is now an inmate of Observation Home for Girls, Vudhavi Karangal Samuganala Thodar Kalvi Iyakkam, Abishekapakkam, Puducherry.

3. The petitioner earlier filed HCP No.1102 of 2015, to produce the minor before this Court, primarily on the ground that she was put in the observation home against her wishes. This Court passed an order on 25 November 2015, dismissing the petition, taking into account the report submitted by the Chairperson, Child Welfare Committee, Puducherry, to the effect that the minor girl shall be protected from exploitation and she should be in a position to give evidence before the Trial Court.

4. The present petition is filed to permit the minor to attend the marriage on 12 May 2016.

5. The learned Additional Public Prosecutor (Puducherry) raised a preliminary objection with regard to the maintainability of the HCP. According to the learned Additional Public Prosecutor, the HCP is not maintainable in view of the fact that the minor is now under lawful custody.

6. We are informed that the accused in S.C.No.4/2015 are police officers. The Division Bench in the order dated 25 November 2015, in HCP No.1102/2015, observed that it is not in the fitness of things to permit anyone, much less the petitioner to meet the victim girl until she gives her evidence before the Trial Court. In view of the earlier order passed by this Court and the objection raised by the Investigating Officer, we are not in a position to permit the minor child to stay with the petitioner from 10 May 2016 to 16 May 2016.

7. We direct the first respondent to make arrangement by deputing an officer to take the minor child to the Thiruvandhipuram, Devanatha Sami Temple, on 12 May 2016 @ 9 a.m. She shall be taken back to the observation home immediately after the marriage ceremony is over. The Superintendent of Police, North, Puducherry, is directed to send a woman police officer, to accompany the minor to the Kalyanamandapam. The minor shall not be permitted to interact with the accused.

8. The Habeas Corpus Petition is disposed of with the above direction, without deciding the issue regarding maintainability.

Sd/-

Assistant Registrar

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To

1. The Superintendent of Police (North),
Puducherry,
 - 2 THE CHAIR PERSON,
CHILD WELFARE COMMITTEE PUDUCHERRY REGION
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 - 4 THE SUB INSPECTOR OF POLICE
GRAND BAZAAR POLICE STATION PUDUCHERRY
 - 5 THE SUPERINTENDENT OF POLICE
CBCID PUDUCHERRY
 - 6.The Public Prosecutor, Puducherry, High Court, Madras
- 1 cc to Government Pleader(P), sr.28158
1 cc to Mr.S.Doraisamy, Advocate, sr.28110

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kra 06.05.2016

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