



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.(MD)No.123 of 2016

Jambulingam

:Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District.

2.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

3.Vignesh

:Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents herein to take immediate action to produce the petitioner's grand daughter the detenu Durga, D/o.Thurai, aged about 17 years and hand over her to the petitioner.

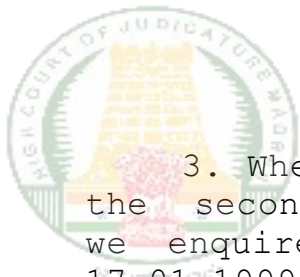
For Petitioner	: No Appearance
For Respondents 1&2	: Mr.A.Ramar, Additional Public Prosecutor

ORDER

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

The petitioner is the grandfather of one Durga, whose date of birth is 17.01.1999. According to the petitioner, Durga (hereinafter referred to as 'the detenu') has been found missing from 12.12.2015 onwards. In this regard, on a complaint made, a case was registered by the second respondent in Crime No.327 of 2015 for the offence punishable under Section 366(A) of the Indian Penal Code on 15.12.2015. Since the detenu was not secured by the police, the petitioner has approached this Court with this Habeas Corpus Petition.

2. Today, the Habeas Corpus Petition was listed, on being mentioned by the learned Additional Public Prosecutor, in the special list.



3. When the matter was taken up during the afternoon session, the second respondent produced the detenu before this Court. When we enquired her, she has stated that her date of birth is 17.01.1999. She would, however, submit that she married the third respondent on 14.12.2015 and from that date onwards, she has been living with the third respondent as his wife in Coimbatore. The second respondent submitted that after the girl was secured, the case has been altered into one under the provisions of Protection of Children from Sexual Offences Act, 2012. The third respondent was arrested and produced before the Court concerned and he was remanded to judicial custody.

4. Since the detenu is still a child in terms of Protection of Children from Sexual Offences Act, 2012 and since the case has been dealt with by the Special Court under the Protection of Children from Sexual Offences Act, 2012, at Thanjavur, we deem it appropriate to direct the second respondent to produce her before the Special Court under the Protection of Children from Sexual Offences Act, 2012, at Thanjavur, for necessary orders regarding her custody and safety. It is directed that she shall be produced before the Special Court on 27.09.2016.

5. The Habeas Corpus Petition is closed with the above direction.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1 The Special Judge,

The Special Court under the Protection of Children
from Sexual Offences Act, 2012, at Thanjavur.

2.The Superintendent of Police, Thanjavur District.

3.The Inspector of Police, Ayyampettai Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P.(MD) No.123 of 2016

Dated: 26.09.2016

sml

PBK/AAL-MPA/AR-I 26/09/2016 ::2P-5C:(IT)