



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1392 of 2016

P.Sundararajan : Petitioner

Vs.

1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Inspector of Police,
Koombur Police Station,
Dindigul District.

3.Vijayan : 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 second respondent to produce the person or body of the detainee, namely Sakunthala Devi (minor), daughter of Sundararajan, aged 17 years, from the illegal custody of the third respondent before this Court and hand over custody of the petitioner's minor daughter to him.

For Petitioner : Mr.R.Balakrishnan
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 father of one Sakunthala Devi, whose date of birth is 20.04.1999. Thus, she is only a child. According to the petitioner, she was found missing from 19.09.2016 onwards. In this regard, a case has been registered by the second respondent in Crime No.147 of 2016. Since the detainee was not secured by the police, the petitioner has come up with this Habeas Corpus Petition.

<https://hcservices.courts.gov.in/hcservices/> When the Habeas Corpus Petition was taken up for hearing, the second respondent produced Sakunthala Devi. On enquiry, she told us that her date of birth is 20.04.1999 and she



was kidnapped by the third respondent. Now, she wants to go with her parents.

3. The learned Additional Public Prosecutor would submit that the second respondent has altered the case into one under the provisions of Protection of Children from Sexual Offences Act, 2012 and the third respondent has been arrested and remanded to judicial custody.

4. In view of the above, the Habeas Corpus Petition is disposed of with a direction to the second respondent to produce Sakunthala Devi today itself before the Special Court under the Protection of Children from Sexual Offences Act, 2012, at Dindigul and on such production, the Special Court shall pass appropriate orders regarding custody of the child, namely Sakunthala Devi.

Sd/

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar.

To

1.THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT,
DINDIGUL.

2.THE INSPECTOR OF POLICE,
KOOMBUR POLICE STATION,
DINDIGUL DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
(BY SPEICAL MESSENGER FORTHWITH

Copy to:

1. THE SPECIAL COURT, UNDER THE PROTECTION OF CHILDREN
FROM SEXUAL OFFENDERS ACT 2012,
DINDIGUL (BY FAX)

2. -DO- THRO' THE PRINCIPAL DISTRICT JUDGE,
DINDIGUL (BY FAX)

+1CC to M/S. R.BALAKRISHNAN Advocate, SR.No.68784.

Order made in
H.C.P.(MD) No.1392 of 2016

Dated: 15.11.2016