



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.11.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P(MD)No.1505 of 2016

P.ESAKKI THANGAM

W/O. PAUL DURAI, NO.13/13,
LAKSHMIPURAM, PANDARAVILAI,
SRIVAIGUNDAM TALUK
THOOTHUKUDI DISTRICT.

..Petitioner

vs.

1 THE SUPERINTENDENT OF POLICE
THOOTHUKUDI DISTRICT THOOTHUKUDI.

2 THE INSPECTOR OF POLICE
ERAL POLICE STATION THOOTHUKUDI DISTRICT.

3 RAMA JEYAM
S/O. MOOKANDI PULIYANAGAR THOOTHUKUDI
DISTRICT.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus directing the Respondents No.1 to 3 to produce the body of the detenu by name P.Siva Priya (Minor Female child aged 17 years) D/o. Paul Durai before this Honourable Court and hand over her custody to the petitioner.

For Petitioner :Mr.R.Anand

For Respondents :Mr.A.Ramar for R1 & R2

Additional Public Prosecutor

No appearance for R3

ORDER

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

The petitioner is the mother of one Sivapriya, who is aged hardly 16 years (mentioned as 17 years in the petition). According to the petitioner, Sivapriya (hereinafter referred to as 'the detenu'), was kidnapped by the third respondent. A case has been registered in Crime No.333/2016 under Section 366(A) IPC. Since the detenu was not secured, the petitioner is before this Court with this petition.



2.Today, when the matter was taken up for hearing, the detenu was produced before this Court. She told that she was taken by the third respondent and sexually exploited.

3.The learned Additional Public Prosecutor would submit that the detenu has already been subjected to medical examination. He would further submit that the Inspector of Police is going to alter the case into one under POCSO Act. Therefore, we direct the respondent police to produce her before the Special Court under POCSO Act either 24.11.2016 or 25.11.2016 and the said Court shall pass necessary orders regarding the custody of the child.

With the above direction, the Habeas Corpus Petition is disposed of.

Sd/-

Assistant Registrar(W)

/True Copy/

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

To

1 THE SUPERINTENDENT OF POLICE
THOOTHUKUDI DISTRICT, THOOTHUKUDI.
(By Fax)

2 THE INSPECTOR OF POLICE
ERAL POLICE STATION,
THOOTHUKUDI DISTRICT.
(By Fax)

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
(Special Messenger)

+1cc to M/s.R.Anand, Advocate in SR.72618

HCP.(MD)No.1505 of 2016
24.11.2016

rr.

PBK/SK-SKN/AR-II 24/11/2016 ::2P-5C: