



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR. JUSTICE B. GOKULDAS

H.C.P (MD) No. 511 of 2016
and
C.M.P (MD) No. 5192 of 2016

V. Thangapandian ... Petitioner
Vs.

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

2. The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to secure the detenu and produce the person or body of the detenu, the petitioner's cousin sister Amuthaveni, D/o. Kottaisamy, aged about 17 years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr. C. D. Johnson

For Respondents : Mr. C. Mayil Vahana Rajendran
Additional Public Prosecutor

ORDER

[Order of the Court was made by **K.K. SASIDHARAN, J.**]

The matter is posted today, pursuant to the report filed by the Inspector of Police to the effect that the detenu is prepared to go with her mother-Kannammal.

2. We have passed the following order on 15.06.2016:-

"The second respondent produced the detenu before us. According to her, she is pregnant and she is carrying a 7 month old baby.

2. We have examined the mother of the detenu in her presence. Since the detenu is not prepared to go



with her mother, we have no other alternative, except to send her to home.

3. We direct the Inspector of Police, Tenkasi Police Station, Tirunelveli District, to take the detenu and produce her before the "Sakthi VEDIYAL Home", represented by Chair Person Mr.C.Jim Jesudoss, Muthupatti, Alagappan Nagar, Madurai. The Chair Person of the Sakthi VEDIYAL Home, is directed to admit the minor detenu and take care of her. Since the detenu is pregnant, the said Home shall give all necessary medical assistance to her.

4. The Home is directed to give visitation rights to the mother of the detenu once in two weeks either on Saturday or Sunday with prior appointment. The visitation right will be exercised in the presence of a responsible officer of the Home.

5. The minor detenu should be produced before this Court after she attained majority. The Inspector of Police, Tenkasi Police Station, Tirunelveli District, is given liberty to make a mention before the Court, for production of the detenu after attaining majority."

3. Today, the Inspector of Police, Tenkasi Police Station, Tirunelveli District, produced the detenu before us.

4. We have examined the detenu. The detenu is pregnant. According to the detenu, she wanted to go with her mother and live with her. We have also examined the mother of the detenu.

5. The custody of the detenu is given to Kannammal, the biological mother of the detenu.

6. We direct the "Sakthi VEDIYAL Home", represented by Chair Person Mr.C.Jim Jesudoss, Muthupatti, Alagappan Nagar, Madurai, to make an entry with regard to the subsequent event relating to the handing over of the custody of the minor, by name, Amuthaveni to her mother.

7. The Habeas Corpus Petition is closed with the above observation. Consequently, connected Miscellaneous Petition is also closed.

Sd/
Assistant Registrar(Records)



To

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

2.The Inspector of Police,
Tenkasi Police Station,
Tirunelveli District.

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

4. Mr.C.Jim Jesudoss, Sakthi vidiyal Home,
Plot No.21, Vidiyal Road, Kennet Nagar, Muthupatti East,
Madurai - 625 003.

+2cc to Mr.C.D.Johnson, Advocate in SR.Nos.37975,

SDR/PEK/27.07.2016/3P/7C

H.C.P (MD) No.511 of 2016
20.07.2016