



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE B.GOKULDAS

H.C.P(MD)No.790 of 2016

P.Suresh

.. Petitioner

Vs.

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

2.The Inspector of Police,
Sakkottai Police Station,
Karaikudi Taluk, Sivagangai District. .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, directing the respondents to produce the body or person of the petitioner's daughter, namely, minor Aarthi, D/o.P.Suresh, aged about 2^{1/2} years, before this Court and hand over to the petitioner.

For petitioner
For respondents

: Mr.K.A.Chandra Jithu
: Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

O R D E R

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

The second respondent produced the child, by name, Aarthi before us. The petitioner is her biological father. However, he is an accused in Crime No.91 of 2016, on the file of Sakkottai Police Station, Karaikudi Taluk, Sivagangai District, under Section 304 (B) of the Indian Penal Code.

2. The uncle of the child appeared before us and submitted that the child is with him for the past six months. Since the petitioner is an accused, in connection with the death of his wife, it would not be possible to hand over the child to him now. Moreover, it is the contention of the uncle that it would not be possible for the petitioner to take care of the child, as there is nobody in his house to help him.

<https://hcservices.ecourts.gov.in/hcservices/> The child is aged about 3^{1/2} years. The child is not prepared to go with the petitioner. We are, therefore, not



inclined to pass an order to hand over the child to the petitioner.

4. It is open to the petitioner to work out his remedy by approaching the concerned Court.

WEB COPY

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To:

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

2.The Inspector of Police,
Sakkottai Police Station,
Karaikudi Taluk, Sivagangai District.

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

+One cc to Mr.R.Boomirajan, Advocate, SR.No.35299

NB

RL/5C/2P/DB/14/7/2016

ORDER MADE IN
H.C.P(MD)No.790 of 2016

05.07.2016