

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.1374 of 2017

S.Raman

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep.by the Superintendent of Police,
Vellore District.
2. The Deputy Superintendent of Police,
Arakkonam.
3. The Inspector of Police,
Nemili Police Station,
Nemili Taluk,
Vellore District.
4. Kiruba
5. Ravi

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to direct the respondents 1 to 3 to produce the minor detainee by name Miss Rathipriya, daughter of the petitioner, aged 17 years, before this Court and to set her at liberty by handing over her custody to the petitioner.

For Petitioner : Mr.Govind Chandrasekhar
For Respondents : Mr.V.M.R.Rajentren, Addl.P.P.
for R1 to R3
Mr.D.Dayalan for R4 and R5

ORDER

(Order of the Court was made by A.SELVAM, J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to direct the respondents 1 to 3 to trace out and produce the detainee, by name, Rathipriya, aged 17 years, daughter of the petitioner.

2. The petitioner is present and he has been identified by his counsel.

3. The third respondent, viz., the Inspector of Police, Nemili Police Station, has produced the detinue and she has been identified by the petitioner/her father.

4. The learned counsel appearing for the petitioner has contended to the effect that the detinue has got birth on 24.08.1999 and in order to engross the said contention, on the side of the petitioner, birth certificate of the detinue has been filed.

5. Per contra, the learned counsel appearing for the respondents 4 and 5 has also repleatedly contended to the effect that the fourth respondent has submitted Transfer Certificate of the detinue, wherein, her date of birth is mentioned as 10.06.1998.

6. As stated, on the side of the petitioner, along with the petition, the birth certificate of the detinue has been filed, wherein it has been clinchingly stated to the effect that her date of birth is 24.08.1999.

7. Of course, it is true that on the side of the fourth respondent, Transfer Certificate of the detinue has been filed, wherein it is stated that her date of birth is 10.06.1998. Considering the fact that on the side of the petitioner, birth certificate of the detinue has been filed and also considering that the birth certificate is having more evidentiary value, this Court is having no other option except to accept the date of birth mentioned in the birth certificate of the detinue and accordingly, the detinue has not attained majority.

8. The detinue is not willing to go with the petitioner/her father. Under such circumstances, the detinue has to be housed in the Home as mentioned infra:

In fine, the third respondent is directed to house the detinue in the Home, viz., 'Government Mahalir Pirkaappu Illam', Allapuram, Thorapadi, Vellore, till she attains majority. After attaining majority, liberty is given to the detinue to go as she likes.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

msk

To

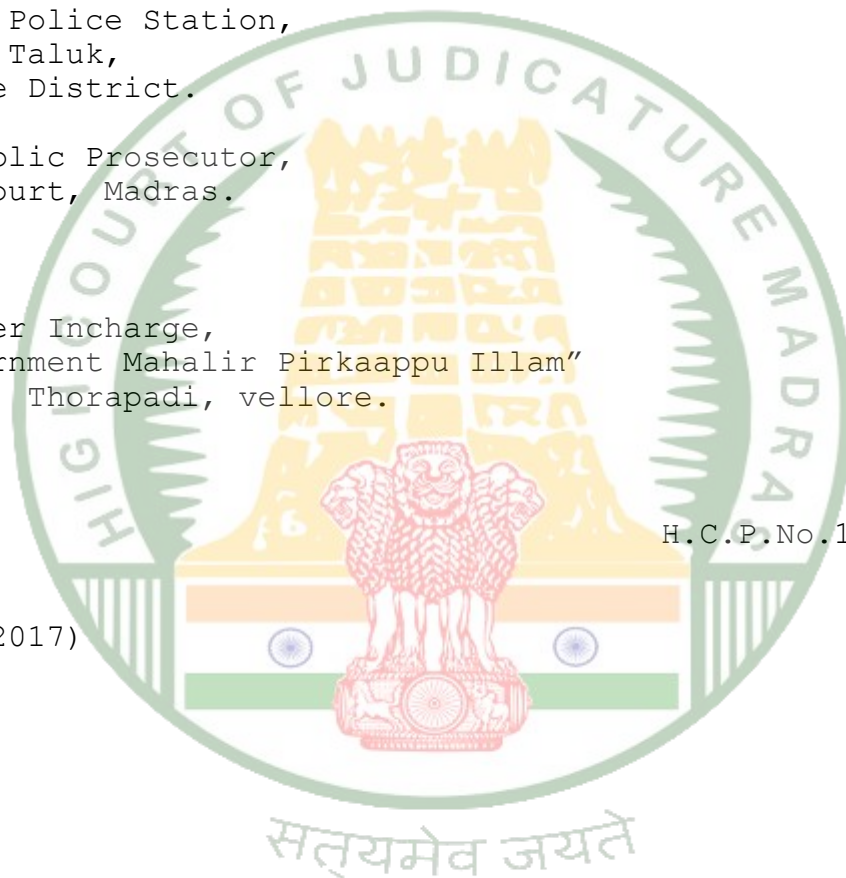
1. The Superintendent of Police,
Vellore District.
2. The Deputy Superintendent of Police,
Arakkonam.
3. The Inspector of Police,
Nemili Police Station,
Nemili Taluk,
Vellore District.
4. The Public Prosecutor,
High Court, Madras.

Copy to:

The Officer Incharge,
The "Government Mahalir Pirkaappu Illam"
Allapuram, Thorapadi, vellore.

SVI (CO)
VR(08/08/2017)

H.C.P.No.1374 of 2017



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