

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P No.2210 of 2016

Pachayammal .. Petitioner/Grand Mother of detenue
Vs

1.The Superintendent of Police,
Thirunvallur Station.

2.The Inspector of Police,
E-5 Police Station,
Sholavaram, Chennai.

3.Raji .. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the respondents to produce the body of Sushmitha, D/O Late Nagarathinam, aged about 16 years before this Court.

For Petitioner :Mr.N.Subramani
For Respondent :Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

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

The petitioner is the grand mother of one Ms.Sushmitha daughter of Mr.Nagarathinam aged 16 years. She was missing from 01.10.2016 onwards. Ms.Sushmitha was then studying XI standard in a Government Higher Secondary School. Her parents passed away already. Thus, the detenue Ms.Sushmitha was all along living with the petitioner until she was found missing. On a complaint made by the petitioner, a case has also been registered in Crime No.619/2016. Since, the detenue was not secured so far, by the respondent police, the petitioner is before this Court with this Habeas Corpus Petition.

2.During the pendency of this Habeas Corpus Petition, the detenue was secured and produced before this Court. At that

time, it came to light that she was sexually exploited by the third respondent herein and out of the same, she had become pregnant. This Court therefore, passed an interim order directing the detainee to be kept in the I.R.C.D.S Home at Abdul Kalam Street, Thiruvallur, for safe custody.

3.It is now stated that, she gave birth to a male child. Both the child and the detainee are well in the home. The third respondent has already been arrested and remanded to judicial custody in connection with the above case which has been altered into one under the Protection of Children from Sexual Offences, Act.

4.In such view of the matter, the Habeas Corpus Petition is disposed of with a direction to the second respondent to produce the detainee before the Special Court under the Protection of Children from Sexual Offences, Act, along with the child for necessary further orders. Such production shall be caused on 24.03.2017.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jbm

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To

1.The Superintendent of Police,
Thirunvallur Station.

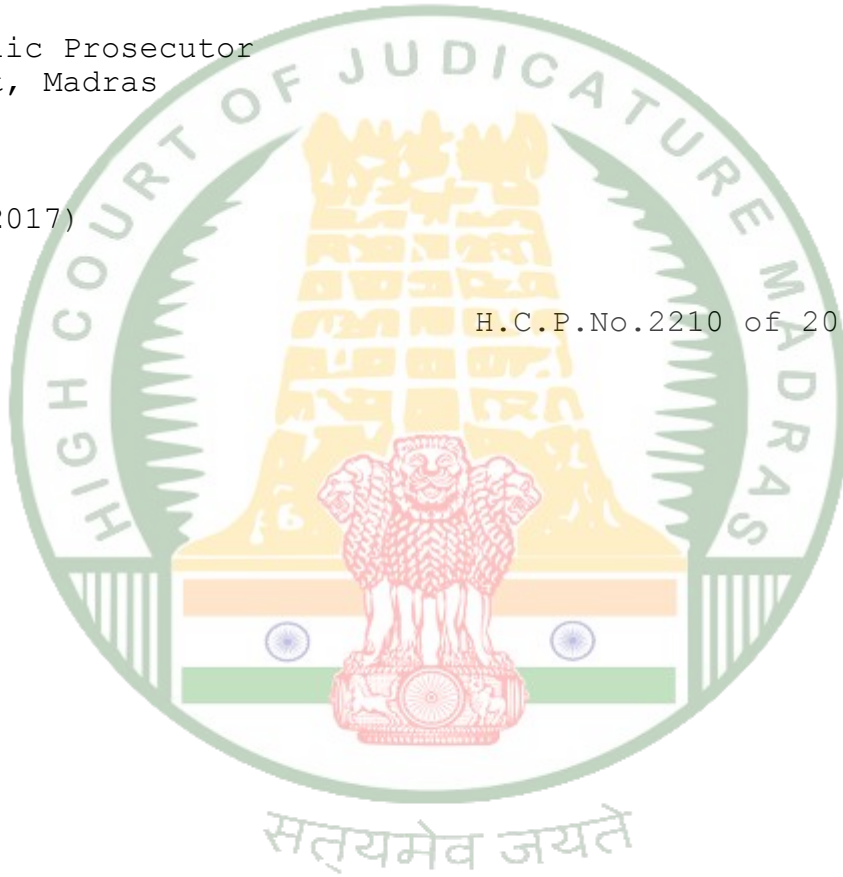
2.The Inspector of Police,
E-5 Police Station,
Sholavaram,Chennai.

3 The Special Court,
The Protection of Children from Sexual Offences Act,
Thiruvallur District

4 The Public Prosecutor
High Court, Madras

GJII(CO)
md(21/03/2017)

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