

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.2525 of 2016

S.Rajalakshmi,
W/o late Sethu Raman,
No.16, Subramanya Kandigai,
Neman Post,
Chennai - 600 124. ... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
2. State Rep. By
The Inspector of Police,
B-7, Vellavedu Police Station,
Vellavedu,
Chennai - 600 124.
3. E.Thiyagu, ... Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to direct first respondent to trace the petitioner's daughter namely, Srinithi allies Sona, aged about 16 years and to produce her body or person before this Hon'ble Court.

For Petitioner : Mr.A. Balasingh Ramanujam
For respondents : Mr.V.M.R. Rajentren
Additional Public Prosecutor
for R1 and R2

ORDER

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

The petitioner is the mother of one Srinithi allies Sona, aged about 16 years. Her date of birth is 13.01.2000. According to the petitioner, the detainee has been found missing

from 16.11.2016 onwards. In this regard, a case has been registered, in Crime No.1049 of 2016, on the file of the second respondent, for offence under Section 366-A of IPC, against the third respondent. The allegation is that the third respondent had kidnapped her and committed offences under the POCSO Act.

2. Today, when the Habeas Corpus Petition has been taken up, the detainee was produced by the second respondent police. She told us that she was taken by the third respondent. She further told that the third respondent married her and extended sexual overtures on her.

3. The second respondent would submit that the third respondent is arrested and remanded to judicial custody.

4. In view of the above, this Habeas Corpus Petition is disposed of with a direction to the second respondent to produce the detainee, Srinithi allies Sona, before the Special Court, under the POCSO Act, for further orders. Until then the detainee will be in the custody of her mother Mrs.S.Rajalakshmi, and accordingly, the petitioner/mother is permitted to take the detainee.

s/d-
Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.
2. The Inspector of Police,
B-7, Vellavedu Police Station,
Vellavedu,
Chennai - 600 124.
3. The Public Prosecutor, High Court, Chennai.

H.C.P.No.2525 of 2016

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