

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.04.2017

CORAM

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

H.C.P No.2689 of 2016

P. Ravichandran

.. Petitioner

Vs

1. State rep by
The Inspector of Police,
Namakkal Police Station,
Namakkal District
Crime No.1146/2016

2. Gunasekaran

3. G. Kalaivani

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ, order or direction particularly in the nature of Habeas Corpus, directing the first respondent to produce the petitioner's minor daughter P. Sabitha, aged about 15 years before this Court and hand over the custody to the petitioner.

For Petitioner : Mr.C.D. Johnson

For respondents : Mr.V.M.R. Rajentren
Addl. Public Prosecutor

ORDER

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

The petitioner is the father of one P. Sabitha, aged about 15 years. Her Date of Birth is 17.02.2002. She is studying X Standard. It is represented by the petitioner that P. Sabitha was kidnapped by the respondents 2 and 3 on 27.11.2016. In this regard, a case has also been registered in Cr.No.1146 of 2016 for the offence under Sec.366(A) IPC on the file of the first respondent. Since the girl was not secured, the petitioner has come up with this habeas corpus petition.

2. When this matter has been taken up in the Special List, the first respondent produced the minor girl. She told us that one Selvabharathy, with the inducement of his uncle and aunt, kidnapped her and raped her. Now she wants to live with her parents. The same is recorded.

3. The learned Additional Public Prosecutor submitted that Mr.Selvabharathy and another person have already been arrested and

remanded to judicial custody and the case was altered to one under the provisions of The Protection of Children from Sexual Offences Act, 2012.

4. Therefore, we are closing the Habeas Corpus Petition with a direction to the first respondent to produce the girl before the Special Court under the Protection of Children from Sexual Offences Act, 2012, Namakkal District on 17.04.2017. The Special Court under the Protection of Children from Sexual Offences Act, 2012, Namakkal shall pass necessary orders regarding the custody of the child. Until her custody is decided by the Special Court under the Protection of Children from Sexual Offences Act, 2012, Namakkal, the girl shall be kept in the custody of the petitioner.

(S.N.J.,) (A.S.M.J.,)
07-04-2017

Speaking Order/non-speaking order

Index : Yes/no

Internet : Yes/no

sr/jer

Note: Issue Order copy on 11.04.2017

**S. NAGAMUTHU,J.,
AND
Dr.ANITA SUMANTH,J.,**

sr

To

1. The Inspector of Police,
Namakkal Police Station,
Namakkal District
Crime No.1146/2016
2. The Public Prosecutor, High Court, Chennai.

HCP No.2689 of 2016

07-04-2017