



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

H.C.P.(MD)No.495 of 2017

S.Raveenishwari

: Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thiruppathur,
Thiruppathur Taluk, Sivagangai District.

3.The Inspector of Police,
Singempuneri Police Station,
Thiruppathur Taluk,
Sivagangai District-630 502.

4.Rajkumar @ Kumar

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, directing the respondents to produce the person or body of detenu, namely Sathya, D/o.Selvakumar, aged about 17 years, before this Court and handover the custody to the petitioner.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents 1to3 : Mr.T.Mohan,

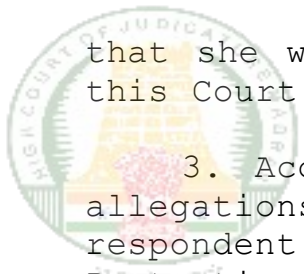
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of the detenu-Sathya, aged about 17 years, whose date of birth is 03.03.2000. According to the petitioner, the fourth respondent had kidnapped the minor girl Sathya on 23.03.2017. On a complaint made by the petitioner, a case has been registered in Crime No.62 of 2017. Since the girl was not secured, the petitioner has come up with the present Habeas Corpus Petition.

2. Today, when the Habeas Corpus Petition was taken up for hearing, the third respondent produced the minor girl- Sathya before us. When we enquired the detenu-Sathya, she has stated



that she wants to go with her mother, who is also present before this Court.

3. According to the third respondent, since they found the allegations of kidnapping and the detenu is a minor, the third respondent has altered the case into one under the provisions of Protection of Children from Sexual Offences Act, 2012 and arrested the fourth respondent and produced him before the competent Court, who, in turn, has remanded him to judicial custody. So far as the detenu is concerned, she has to undergo medical examination and her statement needs to be recorded under Section 164 of the Code of Criminal Procedure.

4. In view of the above, the Habeas Corpus Petition is disposed of with a direction to the third respondent to produce the minor girl-Sathya today itself before the competent Special Court under the Protection of Children from Sexual Offences Act, 2012, at Sivagangai District, for further orders in respect of her custody. The petitioner is at liberty to approach the competent Special Court under the Protection of Children from Sexual Offences Act, 2012, at Sivagangai District, for necessary relief.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
District Collectorate Office,
Sivagangai District, Sivagangai.
2. The Deputy Superintendent of Police,
Thiruppathur,
Thiruppathur Taluk, Sivagangai District.
3. The Inspector of Police,
Singempuneri Police Station,
Thiruppathur Taluk, Sivagangai District-630 502.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.T.Antony Arul Raj, Advocate SR.No.54284

**Order made in
H.C.P. (MD) No.495 of 2017
Dated: 25.04.2017**

SML