

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Crl.R.C.No.617 of 2018

K.Parameshwari

...Petitioner

..Vs..

1.The President,
Children Welfare Committee,
Thiruvannamalai

2. State rep by its:
The Inspector of Police,
Thachampattu Police Station,
Thiruvannamalai

...Respondents

PRAYER:- Petition filed under Section 397 read with 401 of the Criminal Procedure Code, to set aside the order passed in C.M.P.No.174 of 2018 dated 26.04.2018 on the file of Mahila Fast Track Court, Thiruvannamalai and to grant the custody of K.Aswini, Minor girl aged about 16 years to the petitioner.

For Petitioner : Mr.M.Jayakumar

For R2 : Mr.R.Suryaprakash,
Govt.Advocate(Crl.side)

O R D E R

The Criminal Revision case has been filed under Section 397 read with 401 Cr.P.C, to set aside the order passed in C.M.P.No.174 of 2018 dated 26.04.2018 on the file of Mahila Fast Track Court, Thiruvannamalai and to grant the custody of K.Aswini, Minor girl aged about 16 years to the petitioner.

2. The learned Government Advocate (Crl.side) has produced a letter received from the Inspector of Police, Veraiyur Police Station, Thiruvannamalai District, wherein the victim girl K.Aswini has expressed her willingness to go along with her mother since she was in the advance stage of pregnancy crossing 8 months and she wants to be taken care of her at the time of delivery by her mother.

3. As per the earlier request, she has been sent to the Child Welfare Committee, Thiruvannamalai District. Thereafter, by order of the Mahila Court(Fast Track), Thiruvannamalai District, dated 25.04.2018, she was produced before the Ujjavala Rehabilitation Home, Vellore District.

4. Taking note of the advanced stage of pregnancy and the willingness of the minor child to go with her mother for delivery, I am inclined to allow the petition. Accordingly, the order passed by the learned Sessions Judge, Thiruvannamalai is hereby set aside. The second respondent-police is directed to give the custody of minor K.Aswini to the mother and the petitioner-mother shall give an undertaking to the Child Welfare Committee properly on other requirement that be complied with under Rules CWC.

Hence, this Criminal Revision Petition is allowed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Mahila Fast Track Court, Thiruvannamalai.
2. The Sessions Judge, Thiruvannamalai.
3. The Inspector of Police,
Thachampattu Police Station,
Thiruvannamalai
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.JAYAKUMAR, Advocate, S.R.No.39425

Cr1.R.C.No.617 of 2018

TR(22/06/2018)