

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:13.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.388 of 2018

B.Nalini @ Bakkiyam

... Petitioner

-Vs-

- 1.The Senior Superintendent of Police,
Orleanpet Police Complex,
Puducherry.
2. State by The Station House Officer,
Odiansalai Police Station,
Puducherry.
Crime No.76/2017.
- 3.The Chairperson,
The Child Welfare Committee,
Ariyankuppam, Puducherry.
- 4.The Co-Ordinator,
Child Line 1098-Puducherry,
Collaborative Organization,
Pondicherry Multipurpose Social Society (PMSSS),
#81, Laporte Street, Puducherry-605 001.
- 5.Kirubalaiya Home
Korukanmedu,
Thavalakuppam, Puducherry.
- 6.Thulasi @ Thulukanam
- 7.Bruno Charles
(R7 is Suo-motu impleaded by this Court dated 13.03.2018)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records in Crime No.76/2017 on the file of the 2nd respondent and direct the 1st and 2nd respondents herein to produce the body of the petitioner's daughter named Kaviya @ Beatrice, F/A 15 years, D/o.Mr.Bruno Charles, who is now confined in Kirubalaiya Home, Korukanmedu, Thavalakuppam, Puducherry (5th Respondent herein) before this Hon'ble Court and set her liberty.

For Petitioner : Mr.S.Silambu Selvan
For Respondents : Mr.D.Bharathachakravathy
Public Prosecutor (Pondicherry)
for RR1 to 3

Mr.Stalin Abhimanyu
for R7

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner, who is the mother of detenue viz., Kaviya @ Beatrice, aged 15 years, seeks production of her daughter.

2. Heard learned counsel for petitioner, learned Public Prosecutor(Puducherry) for respondents 1 to 3 and learned counsel for seventh respondent.

3. Both affirm that the minor girl, who has been abused and a case stands registered under Protection of Children from Sexual Offences Act against the offender. Both counsels further informed that in the interest of the detenue/minor girl, it would be appropriate that she be required to be kept at the fifth respondent's Home and the third respondent/Child Welfare Committee is monitoring her welfare. Learned counsel for seventh respondent has further submitted that detenue is now attending classes for X standard and as also been taught tailoring. It has been further submitted that the petitioner/mother of the detenue shares residence with the abuser of the detenue/minor girl.

4. Given the above submission, this Court is not able to accept the submissions of learned counsel for petitioner that the detenue/minor girl would be safe under the care and custody of the petitioner/mother of the detenue and that the seventh respondent is levelling false charges against the petitioner since he and his wife/petitioner have for long been separated.

5. In the circumstance, this Habeas Corpus Petition shall stand closed. The detenue/minor girl shall continue to be in the custody of fifth respondent/Home and the third respondent/Child Welfare Committee is required to monitor the welfare of the child and to act in keeping with The Juvenile Justice (Care And Protection of Children) Act.

Sd/-
Assistant Registrar(CS III)

//True Copy//

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To

- 1.The Senior Superintendent of Police,
Orleanpet Police Complex,
Puducherry.
 2. The Station House Officer,
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Puducherry.
Crime No.76/2017.
 - 3.The Chairperson,
The Child Welfare Committee,
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Collaborative Organization,
Pondicherry Multipurpose Social Society (PMSSS),
#81, Laporte Street, Puducherry-605 001.
 - 5.Kirubalaiya Home,
Korukanmedu,
Thavalakuppam, Puducherry.
 6. The Public Prosecutor,
High Court, Madras-104.
- +1cc to Mr.S.Silambu Selvan, Advocate Sr.No.20567
+1cc to Government Pleader Sr.no.19570
+1cc to Mr.Stalin Abhimanyu, Advocate Sr.No.19183

GP(CO)
sm:10.4.2018

सत्यमेव जयते

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