

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.2012 of 2019

and

Crl.M.P.No.1318 of 2019

SK.Afshar

... Petitioner/Petitioner

Vs.

1.The Inspector of Police,
AVS - I,
Chennai.

2. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, Second Floor,
Egmore, Chennai.

3. The Superintendent,
Government Home for Woman,
Mylapore, Chennai - 600 004.

4. Ms.Apsarey Khatun

... Respondents/Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the 2nd respondent to file a report pertaining to the detention of the detainee by name Apsarey Khatun and in pursuance direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose of Crl.M.P.No.1003 of 2018 in Crime No.109 of 2018.

For Petitioner : Mr.R.Mukesh Kannan

For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed by the elder sister of the detainee seeking for release of the detainee, who is now detained before the 3rd respondent Government Home

for Woman.

2. The first respondent registered an FIR in Crime No.109 of 2018 for the offences under Section 3(2)(a), 4(1) and 5(1)(a) and 6(1) and 7(1) of Immoral Traffic Prevention Act. The petitioner's sister namely Apsarey Khatun was produced before the IV Metropolitan Magistrate Court, Saidapet showing her as a victim and she was detained in the home.

3 The learned counsel for the petitioner submitted that the petitioner filed a petition before the Court below seeking for the release of her sister and the same is kept pending on the ground that the P.O report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4 The learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this Court in CrI.O.P.Nos.29428 & 30712 of 2018, dated 18.12.2018 and 02.01.2019, wherein this Court has dealt with an issue of similar nature.

5 Taking into consideration the earlier order passed by this Court and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for woman, Mylapore. The petitioner before taking his sister namely the 4th respondent from the home, shall produce necessary evidence to show her relationship with the 4th respondent. The 4th respondent on being released from the home, shall stay at Chennai and report before the IV Metropolitan Magistrate, Saidapet, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

6 This Criminal Original Petition is disposed of, with the above direction. Consequently, the connected miscellaneous petition is also closed.

dh/rpl

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The IV Metropolitan Magistrate,
Saidapet, Chennai.
2. - DO - Thro: The Chief Metropolitan
Magistrate, Chennai.
3. The Inspector of Police,
AVS - I,
Chennai.
4. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, Second Floor,
Egmore, Chennai.
5. The Superintendent,
Government Home for Woman,
Mylapore, Chennai - 600 004.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Mukesh Kannan, Advocate, S.R.No.5765

Cr1.O.P.No.2012 of 2019

AR-II (CO)
KAK (25/01/2019)

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