

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06..06..2019

CORAM

The Honourable Mr Justice M.M.SUNDRESH  
and  
The Honourable Mr Justice M. NIRMAL KUMAR

Habeas Corpus Petition No.329 of 2019

Reehana Begum ... Petitioner  
mother of the detenue  
-Versus-

1. The Superintendent of Police,  
Vellore District.
2. The Deputy Superintendent of Police,  
Ranipet Sub Division,  
Vellore District.
3. The Inspector of Police,  
Ranipet Police Station,  
Vellore District.
4. Asraf @ Anja ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the 3rd respondent to produce the body and person of the petitioner's minor son namely Abdul Wahid son of late Akbar, aged 4 years, before this court from the illegal custody of the 4th respondent and handover his custody to the petitioner.

For Petitioner : Mr.S.Mohamed Ansar

For Respondent(s) : Mr.R.Prathap Kumar ,  
Additional Public  
Prosecutor,  
for R1 to R3  
Mr.A.E.Ravichandran for R4

## ORDER

[Order of the court was made by Justice M.M.SUNDRESH]

The petitioner is the mother of the minor - Abdul Wahid, aged 4 years. Alleging that the child is in the illegal custody of the 4th respondent, who is none other than her mother-in-law, the petitioner is before this court with this writ petition.

2. The learned counsel appearing for the petitioner submitted that in as much as the parentage of the petitioner is not in dispute and she being the natural guardian, the custody will have to be given to her.

3. The learned counsel appearing for the 4th respondent while fairly stating that the earlier arrangements made by orders of this court on 26.02.2019, which is being complied with, can be continued till the petitioner obtains appropriate from the competent and jurisdictional court by permitting her to meet the child once in a month at the Office of the Taluk Legal Services Committee attached to the Sub Court, Ranipet between 11.00 a.m. and 01.00 p.m. The petition being misconceived is liable to be dismissed.

4. The learned counsel for the 4th respondent further stated that the petitioner is accused of murder her own husband who is the son of the 4th respondent. She had been arrested and remanded to judicial custody and later on she was enlarged on bail. The child is taken care of properly by the 4th respondent.

5. On the last occasion, the previous Bench was pleased to pass the following order:-

4. In the light of the above facts and circumstances, this Court is of the considered view that some interim arrangement is to be made so as to enable the petitioner to have the visitation right to see her son.

5 Since both parties are residents of Ranipet, the 4th respondent herein - mother-in-law of the petitioner as well as the brother-in-law of the petitioner, shall produce the detenu/child at the Taluk Legal Services Committee, attached to the Subordinate Court at Ranipet on 02.03.2019 and 06.04.2019 between 11.00 a.m. and 01.00 p.m. and the 3rd respondent is directed to provide sufficient police escort so as to enable the petitioner to

see her son, the detenu herein by way of visitation rights. It is made clear that this order is passed without prejudice to the rights and contentions of the petitioner as well as the 4 th respondent herein."

6. The fact that the petitioner has been made as an accused in Crime No.503 of 2018 on the file of Walajabad Police Station is not in dispute. The allegation against the petitioner is that she has committed murder of her own husband which is punishable under Section 302 of IPC and the deceased is none other than the son of the 4th respondent.

7. Considering the seriousness of the allegation made against the petitioner coupled with the fact that the child is being taken care of properly by the 4th respondent and there is no dispute regarding the relationship among the parties, we do not find any reason to allow this petition. However, we give liberty to the petitioner to approach the jurisdictional court, if so advised.

8. In view of the aforesaid submissions made by the counsel for the 4th respondent, we permit the petitioner to meet the child once in a month on every 1st Saturday from the month of July , 2019 at the Taluk Legal Services Committee attached to the Sub Court, Ranipet, between 11.00 a.m. and 01.00 p.m. The 4th respondent shall bring the child so as to comply with the aforesaid order. While complying with the said order, the other directions issued on the earlier occasion to the 3rd respondent shall continue.

9. With the above said observations, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Kmk

To

1.The Superintendent of Police,  
Vellore District.

2. The Deputy Superintendent of Police,  
Ranipet Sub Division,  
Vellore District.

3. The Inspector of Police,  
Ranipet Police Station,  
Vellore District.

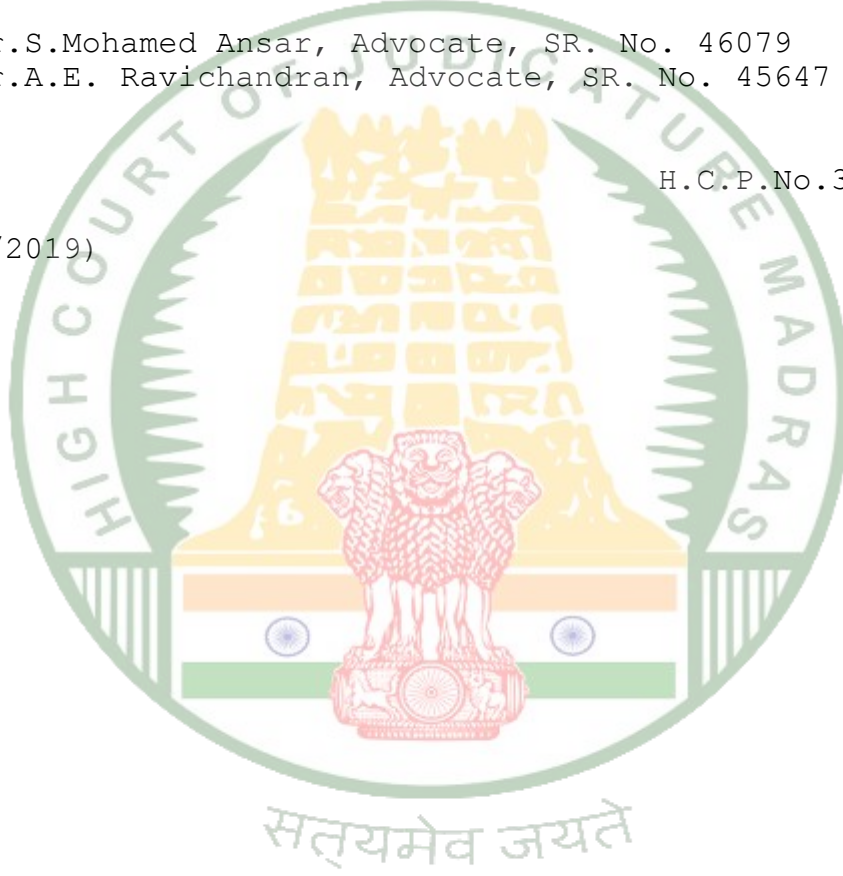
4. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Mohamed Ansar, Advocate, SR. No. 46079

+2cc to Mr.A.E. Ravichandran, Advocate, SR. No. 45647

H.C.P.No.329 of 2019

SSV(CO)  
RMP(03/07/2019)



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