

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.02.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.4136 of 2019

Mrs.Sivagami

... Petitioner

Vs.

State rep. by
Inspector of Police,
AVS Wing-I, Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for all records of order dated 20.08.2018 passed in Cr.M.P.No.1208/2018 in AVS Cr.No.72/2018 by the learned IV Metropolitan Magistrate at Saidapet, Chennai and set aside the same.

For Petitioner : Mr.M.Anandaraj
For Respondent : Mr.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This petition has been filed seeking to set aside the order dated 20.08.2018 passed in Cr.M.P.No.1208/2018 in AVS Cr.No.72/2018 by the learned IV Metropolitan Magistrate at Saidapet, Chennai.

2.The case of the prosecution is that 23.05.2018, during a search conducted at Visamelu Flats, No.27, First Floor, No.8, Sriramapuram, 2nd Lane, Choolaimedu, Chennai, the Inspector of Police, AVS Wing, Chennai, rescued the victim Saranya, u/s15 of ITP Act and produced before IV Metropolitan Magistrate, Saidapet, Chennai, wherein the learned Magistrate ordered to accommodate the victim in interim safe custody at Government Vigilance Home, Mylapore, Chennai. Thereafter, the petitioner herein filed a petition in Crl.O.P.No.1208 of 2018 before the Court below seeking custody of the victim wherein the learned Metropolitan Magistrate dismissed the same. Aggrieved by the same, the petitioner is before this Court with the aforesaid prayer.

3.The learned Additional Public Prosecutor would submit that as against the order passed by the learned IV Metropolitan Magistrate, Saidapet, Chennai, under Section 17(2) of ITP Act, this petition is not maintainable in view of Section 17(4) of the ITP Act.

4.In view of the above, this Court is not inclined to entertain this petition, accordingly, the Criminal Original Petition is dismissed. However, liberty is given to the petitioner to file a Criminal Appeal challenging the order passed by the IV Metropolitan Magistrate, Saidapet, Chennai on 10.10.2018. Registry is directed to return the original copy of the order after getting necessary attested copies and signature, to enable the petitioner to file an appeal.

Sd/-

Assistant Registrar(Cs)

//True Copy//

Sub Assistant Registrar

rm

To

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

2. The Metropolitan Magistrate ,IV Metropolitan
Magistrate Court Saidapet, Chennai

CRL.O.P.No.4136 of 2019

A.SK(20/03/2019)

सत्यमेव जयते

WEB COPY