

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

CrI.O.P.No.23367 of 2019

Guguloth Arun @ Guguloth

... Petitioner

Vs.

1. State by

The Inspector of Police,
AVS-II, Chidandripet,
Chennai-2.

2. The Chief Probation Superintendent,

The Office of Chief Probation Office,
CMDA Tower - II, 2nd Floor,
Egmore, Chennai-600008.

3. The Superintendent,

Government Home for Women,
Mylapore, Chennai 600 004.

4. Suvarna Shaikh

.... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a General direction directing the 2nd respondent to file a report pertaining to the detention of the detainee by name Suvarna Shaikh and direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the CrI.M.P.No. Not Known of 2019 in Crime No.36 of 2019 as expeditiously.

For Petitioner

: Mr.S.Prabhudoss

For Respondents 1-3 :

Mr.C.Iyapparaj

Additional Public Prosecutor

O R D E R

This petition has been filed by the husband 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.36 of 2019 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner's wife namely Suvarna Shaikh was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai 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 in Crl.M.P.No.Not Known of 2019 before the Court below seeking for the release of the fourth respondent herein and the same is kept pending on the ground that the P.O. report is yet to be filed before the Court. Aggrieved over 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 Crl.O.P.No.5667 of 2019, Crl.OP.No.3227 of 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 Women, Mylapore. The petitioner before taking her wife 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 Court, Saidapet, Chennai, 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The IV Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police,
AVS-II, Chidandripet,
Chennai-2.
3. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, 2nd Floor,
Egmore, Chennai-600008.
4. The Superintendent,
Government Home for Women,
Mylapore, Chennai 600 004.
5. The Public Prosecutor,
High Court of Madras, Chennai.

+1 cc to M/s.S.Prabhudoss, Advocate Sr.No. 79786

AKM/25.09.19/3P-7C /

Crl.O.P.No.23367 of 2019



WEB COPY