

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P.No.1883 of 2019

Poornima

.. Petitioner

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode-Post & District.

2.The Deputy Superintendent of Police,
Sathiyamangalam Sub-Division
Sathiyamangalam-Post,
Erode- District.

3.The Inspector of Police,
Bangalapurdur Police Station,
Nangalapudur -Post,
Erode District.

4.Senniyappan

5.Kuppulakshimi

6.Sureshkumar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, directing the third respondent to produce the corpus of the minor detenu namely Sabaridarshan, son of Late Thiyagu, male child, aged 4 year before this Court from the illegal custody at the hands of respondents 4 to 6 and hand over to the petitioner.

For Petitioner .. Mr.D.Veerasekaran

For Respondents .. Mr.R. Prathap Kumar
1 to 3 Addl. Public Prosecutor

For Respondents .. Mr.M.Kamadevan

4 to 6

ORDER
(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner is the natural guardian viz., the mother of the detenu. Alleging that the child namely Sabaridarshan, son of Late Thiyagu, male child, aged 4 year, is in the custody of the grand parents viz., the private respondents against her wish, the present Habeas corpus Petition has been filed. T

2.Today all the parties are present including the child.

3.After initial visitation, the child appears to be comfortable with the petitioner. Respondents 4 and 5, who the grand parents of the child, also told us that it is the petitioner, who left the child. If that is the case, then the petitioner is entitled to have the custody of the child when the father has met with an accident and died.

4. In such view of the matter, we are inclined to hand over the custody of child namely Sabaridarshan, son of Late Thiyagu, to the petitioner. However, considering the fact that child has been with the respondents for quite some time, they are at liberty to have the visitation right of the child during every Sunday. They shall have the entire custody of the child between 10.00a.m., and 4.00p.m.

5. Accordingly, the Habeas Corpus Petition stands closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Erode-Post & District.

2.The Deputy Superintendent of Police,
Sathiyamangalam Sub-Division
Sathiyamangalam-Post,
Erode- District.

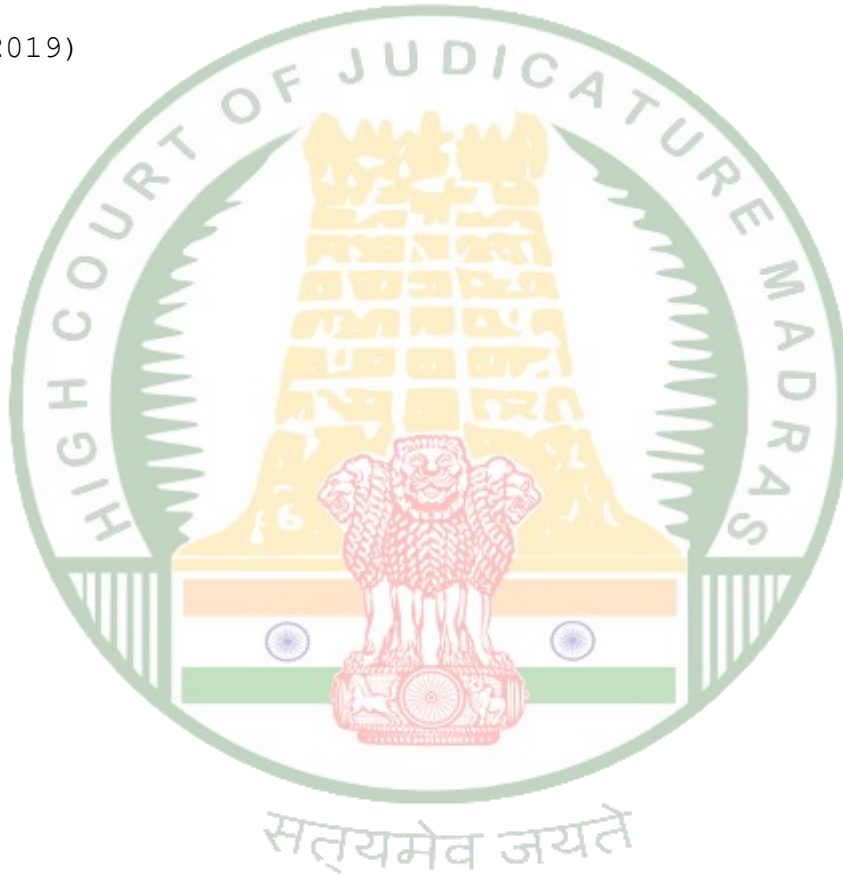
3.The Inspector of Police,
Bangalapurdur Police Station,
Nangalapudur -Post,
Erode District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.D.Veerasekaran, Advocate, S.R.No. 80646

HCP No.1883 of 2019

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GN(30/10/2019)



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