

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2019

Coram

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

H.C.P. No. 2003 of 2019

Sivamani

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. By its Superintendent of Central Prison,
Cuddalore,
Cuddalore District.

2.The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus by holding an enquiry in to the determination of the detenu Dakshnamurthy, Son of Natarajan convicted now confined in Central Prison, Cuddalore in the hands of first respondent and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the brother of the detenu. Seeking to set him at liberty on the ground that the detenu was a juvenile in conflict at the time of the offence committed, the present habeas corpus petition has been filed. The detenu has been under incarceration involving the conviction rendered for a period of 10 years.

2. As rightly submitted by the learned Additional Public Prosecutor appearing for the respondents, Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015 provides procedure to be followed by the Juvenile Justice Board. The Apex Court has also interpreted the above said provision accordingly.

3. In such view of the matter, instead of keeping this writ petition pending, we direct the respondents to forward the representation made by the petitioner dated 27.08.2019 to the Juvenile Justice Board, Cuddalore. The Juvenile Justice Board, Cuddalore is directed to follow the procedure and take a decision in this regard within a period of three months from the date of receipt of a copy of this order.

4. Accordingly, the Habeas Corpus Petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Superintendent of Central Prison,
Cuddalore,
Cuddalore District.

2.The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court, Madras. सत्यमेव जयते

Copy to: The Juvenile Justice Board,
Cuddalore.

+1cc to Mr.R.Sankarasubbu, Advocate SR.85698

H.C.P. No. 2003 of 2019

MR(CO)
CB(20/11/2019)