

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

Coram

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

H.C.P. No. 2246 of 2019

Abul Kalam

... Petitioner

-vs-

1.The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam.

2.Devaraj

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus directing the first respondent to produce the body and person of minor daughter by name Morgina, daughter of Abul Kalam, aged 14 years nine months, before this Court, who is in the custody of the second respondent at 1-47 Karandipalayam Pudur, Periyaveerasangili, Perundurai, Erode - 638 506 and hand over to the petitioner.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.R.Prathap Kumar
: Addl. Public Prosecutor for
R1

ORDER

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

Seeking a direction to the first respondent to produce the body and person of minor daughter by name Morgina, daughter of Abul Kalam, aged 14 years nine months, before this Court, who is in the custody of the second respondent at 1-47 Karandipalayam Pudur, Periyaveerasangili, Perundurai, Erode - 638 506 and to hand over to the

petitioner, the present Habeas Corpus Petition has been filed by the father of the detainee.

2. This is a very unfortunate case in which the detainee has been abducted by the second respondent. Though the second respondent has been arrested, the detainee is in the family way. It is stated that already the detainee is carrying five months baby. Thus, we are not in a position to decide as to whether the pregnancy can be terminated or not. However, the petitioner has informed that he is willing to take the detainee with him.

3. The petitioner hails from the State of Assam. He neither knows the local language nor English. He appears to be an illiterate, having no means.

4. In such view of the matter, while permitting the detainee to go along with the petitioner, we direct the Dean, Coimbatore Medical College and Hospital, Coimbatore to constitute a team of Doctors and thereafter take a decision on the termination of the pregnancy. If a decision is taken to terminate the pregnancy, the same will have to be done immediately. The detainee will have to be given all medical facilities including adequate nourishment.

5. We also direct the District Legal Services Authority, Coimbatore to interact with the petitioner and the detainee and give all assistance including financial assistance, if so required. We also direct District Legal Services Authority, Coimbatore to depute a para-legal volunteer under the North-Eastern Province Scheme to render all necessary assistance including medical and other expenses.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Dean,
Coimbatore Medical College and Hospital,
Coimbatore.

2.The District Legal Services Authority,
Coimbatore.

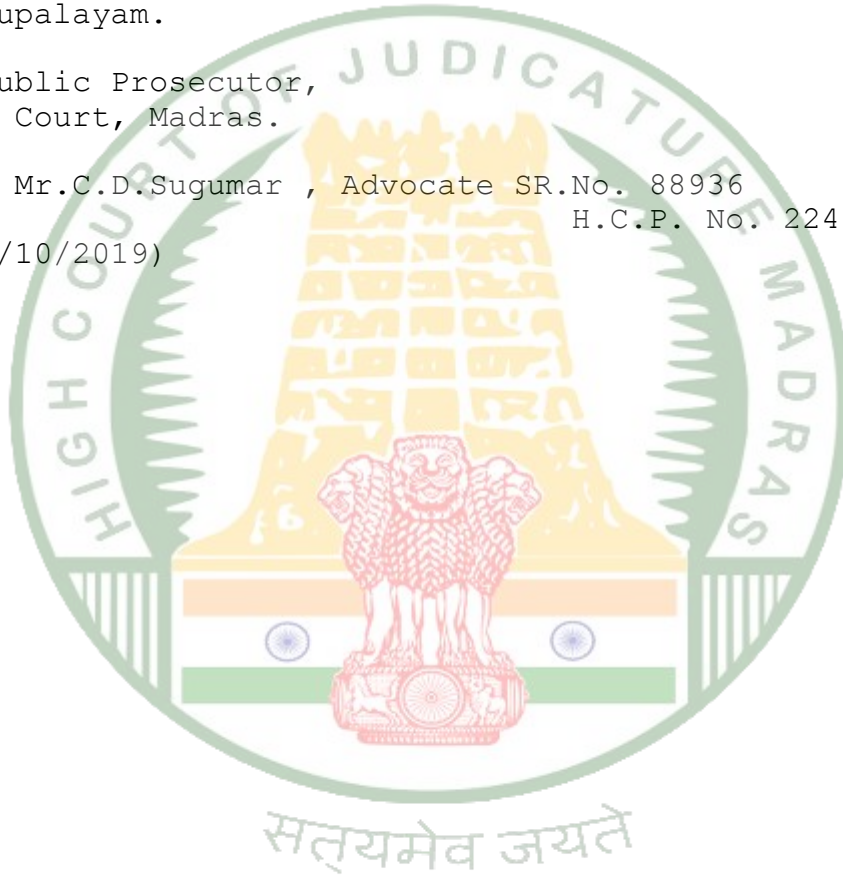
3.The Inspector of Police,
Mettupalayam Police Station,
Mettupalayam.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.D.Sugumar , Advocate SR.No. 88936

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A.SK(24/10/2019)



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