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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.557 of 2019

Muthu

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Contonment Police Station,
Trichy District.

... Respondents

Prayer: Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to direct the respondents to secure and produce the body of the detenu / the petitioner's minor son, namely, M.Muniraj, S/o.A.Muthu, aged about 17 years before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Karunanithi

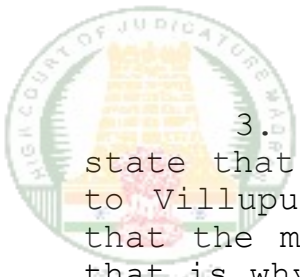
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner is the father of the minor detenu, namely M.Muniraj, aged about 17 years and according to him, his son has successfully completed Higher Secondary Course. It is further stated by the petitioner that his son / detenu, on the pretext of meeting his friend to get a laptop, left on 14.06.2019, but, he did not return. The petitioner, apprehending safety, wellbeing and whereabouts of the minor son, lodged a complaint, based on which, a case in Crime No.616 of 2019 came to be registered for 'boy missing', on 17.06.2019 at about 08.00 pm and the second respondent took up the case for investigation. The petitioner, very much concerned about the safety and wellbeing, has come forward to file this Habeas Corpus Petition.

2. A mention was made by Mr.A.Karunanithi, learned counsel for the petitioner that the detenu is being produced and accordingly, the matter is listed.



3. The detainee is produced before this Court and he would state that on his own volition, he left the parental home and went to Villupuram. It is also brought to the knowledge of this Court that the minor detainee is exhibiting a tendency of transgender and that is why, he left the parental home.

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4. In the considered opinion of this Court, the alleged condition of the detainee deserves sympathetic consideration and he should be given proper psychiatric counsel and if any treatment is required, it should also be given, especially taking into consideration of the fact that the detainee is only 17 years old and his father is a poor agriculturalist and the detainee has also expressed his inclination to go with his father / the petitioner, who is also present before this Court.

5. This Court, taking into consideration of the above facts and circumstances, directs the second respondent police to transfer the investigation in Crime No.616 of 2019 to the jurisdictional Police Station, being Aeriur Police Station, Pennagaram Taluk, Dharmapuri District, within a period of two weeks from the date of receipt of a copy of this order. The Station House Officer, Aeriur Police Station, Pennagaram Taluk, Dharmapuri District, upon receipt of the same, shall produce the detainee for psychiatric evaluation and further treatment at Government Hospital, Salem and also keep the petitioner informed of the progress being made in the investigation.

6. The Habeas Corpus Petition stands disposed of accordingly.

Sd/-

Assistant Registrar

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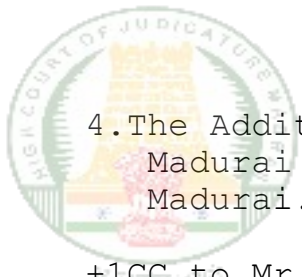
Sub Assistant Registrar(CS)

To

1.The Commissioner of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Contonment Police Station,
Trichy District.

3.The Station House Officer,
Ariyur Police Station,
Pennakaram Taluk,
Dharmapuri District.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.M.Karunanithi, Advocate, Sr.No.72299.

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