



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

H.C.P. (MD) No.1782 of 2018

Arockiya Delsi Rani : Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Government Hospital Police Station,
Trichy District.

3.The Superintendent of Police
Anti Human Trafficking Unit of CBCID
Chennai.

: Respondents

(R3 has been suo motu impleaded as
per the order of this Court dated 31.01.2019)

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to direct the respondents Nos.1 and 2 to secure the body or person of the detainee namely, Nirmala, D/o.Yesu, aged about 39 years and produce her before this Court and set her at liberty.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

ORDER

B. PUGALENDHI, J

This petition has been filed by the petitioner/mother to secure the detainee namely, Nirmala, D/o.Yesu, aged about 39 years, and produce her before this Court.

2. When this matter came up for hearing on 31.01.2019, this Court passed the following order:

"The present Habeas Corpus Petition has been filed by the sister of the detenu seeking a direction to the



respondents 1 and 2 to secure the body or person of the detenu, namely, Nirmala, D/o.Yesu, aged about 39 years and produce her before this Court and set her at liberty.

2. According to the petitioner, she is an agricultural coolie. Her daughter is undergoing 12th standard and her son is studying II Standard. Due to matrimonial dispute, the petitioner has been living in her father's residence for the past eight years. The sister of the petitioner is unmarried and a mentally retarded person. Since she is mentally retarded, taking advantage of the same, some anti-social element had sexual intercourse with her, which resulted in her pregnancy. While so, on 18.06.2018, the petitioner took her to the Government Hospital, Trichy through 108 Ambulance Service and she was admitted therein on 20.06.2018. However, the sister of the petitioner was found missing. Though the petitioner took all possible efforts, she could not find her anywhere. In this regard, the petitioner lodged a complaint before the second respondent police, on 20.06.2018, which was registered as Crime No.267 of 2018, under the caption "Woman Missing". However, no action has been taken by the second respondent to trace out the detenu.

3. This Habeas Corpus Petition has been pending from December 2018 onwards. The matter was listed for hearing on several occasions and adjourned, giving time to the respondents to secure the missing detenu. But, till date, the missing detenu was not secured.

4. Even though more than two months have lapsed, the police could not trace out the missing detenu. The Habeas Corpus Petition came up for several hearings. This Court granted enough time to the respondents 1 and 2 to trace out the missing detenu. Considering the fact that the detenu is a mentally retarded person, we are of the considered view that no useful purpose would be served in granting further time. Therefore, we are constrained to transfer the investigation to CBCID.

5. Accordingly, the investigation of the case in Crime No.267 of 2018, on the file of the Inspector of Police, Government Hospital Police Station, Trichy District, is transferred to the file of Anti-Human Trafficking Unit of CBCID, Chennai. The Superintendent of Police, Anti-Human Trafficking Unit of CBCID, Chennai, is *suo motu* impleaded as the third respondent in this Habeas Corpus Petition and he is directed to take up the investigation, proceed with the same, secure the detenu and produce her before this Court. A status report in this regard should be filed on or before 01.03.2019.



7. The Registry is directed to post the Habeas Corpus Petition on 01.03.2019."

3. Pursuant to the order, dated 31.01.2019, passed by this Court, the C.B.C.I.D., Trichy, has registered a case in Crime No.2/2019 on 30.03.2019 for 'woman missing' and investigation is in progress.

4. Recording the same, this petition is closed with a direction to the C.B.C.I.D., Trichy, to keep the petitioner informed of the developments, if any, about the investigation of the case, from time to time.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

RR

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.
- 2.The Inspector of Police,
Government Hospital Police Station,
Trichy District.
- 3.The Superintendent of Police
Anti Human Trafficking Unit of CBCID
Chennai.

COPY TO:

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

KK

23/04/2019

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