

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN, J.

Crl.O.P.No.5683 of 2020

and

Crl.MP.No.3218 of 2020

Sivakar Kushvath

... Petitioner

Vs.

1.The Inspector of Police,
Anti Vice Squad - II,
Chintadripet,
Chennai - 2,
(Crime No. 21 of 2020)

2.The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower - II, 2nd Floor,
Egmore, Chennai.

3.The Superintendent,
Government Home for Women,
Mylapore, Chennai - 600 004.

4.Niharika Rani

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the second respondent to file a report pertaining to the detention of the detainee by name Niharika Rani and in pursuance direct the learned IV Metropolitan Magistrate, Saidpet, Chennai to dispose CRL.M.P.No.65 of 2020 in Crime No. 21 of 2020 on the file of the first respondent as expeditiously.

For Petitioner : Mr.N.Shridhar

For R1 to R3 : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed by the brother of the detainee seeking for release of the detainee, who is now detained before the 3rd respondent Government Home for Woman.

2. The 1st respondent registered an FIR in Crime No.21 of 2020 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the brother of the 4th respondent, namely Niharika Rani, who was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai, showing her as a victim and she was detained in the home.

3. The learned counsel for the petitioner submitted that the petitioner filed a petition in CrI.M.P.No.65 of 2020 before the Court below, seeking for the release of the petitioner's sister and the same is kept pending on the ground that the P.O. report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4. Taking into consideration the earlier orders passed by this Court in CrI.O.P.No.27063 of 2018 and CrI.O.P.No.26714 of 2018, wherein this Court has dealt with an issue of similar nature and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for Women, Mylapore. The petitioner, before taking his sister, namely the 4th respondent from the home, shall produce necessary evidence to show his relationship with the 4th respondent. The 4th respondent, on being released from the home, shall stay at Chennai and report before the IV Metropolitan Magistrate, Saidapet, once in a week on Monday at 10.30 a.m., till the P.O. report is submitted before the Court.

5. This Criminal Original Petition is disposed of, with the above directions. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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Chennai - 2,
(Crime No. 21 of 2020)

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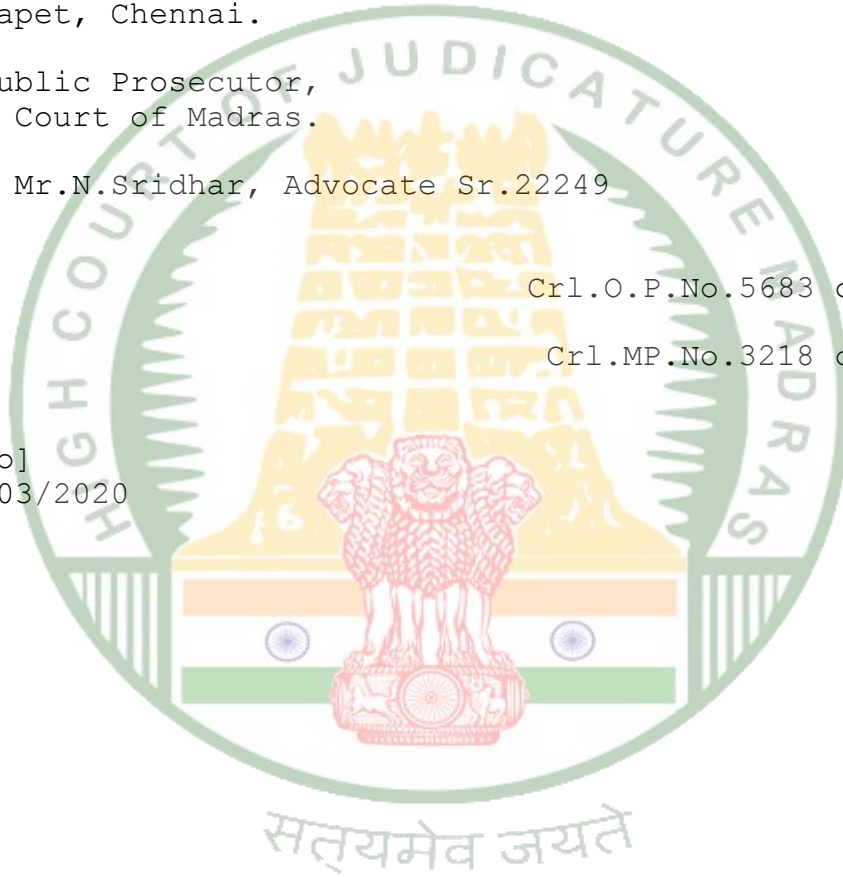
4.The IV Metropolitan Magistrate,
Saidapet, Chennai.

5.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.N.Sridhar, Advocate Sr.22249

Cr1.O.P.No.5683 of 2020
and
Cr1.MP.No.3218 of 2020

gj II[col]
srg 13/03/2020



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