

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.14377 of 2020
and
Crl.MP.No.5489 of 2020

Nashima, F/A 41,
W/o.Shakul Hameth,
No.12, Kanappasamy Nagar,
Puzhal, Chennai - 66.

... Petitioner

Vs.

1.The Inspector of Police,
Thirumangalam Police Station,
Chennai District.

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

3.The Superintendent,
Government Home for Women,
Mylapore, Chennai-4.

4.Jerina Samiulla,
W/o.Samiulla,
No.5, 1st Cross Street,
Kanappasamy Nagar,
Puzhal, Chennai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the respondents to file a report pertaining to the detention of the detainee by name Jerina Samiulla and in pursuance direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the Crl.M.P.2440 of 2020 in Crime No.1396 of 2020 on the file of the 1st respondent.

For Petitioner : Mr.S.Somasundaram

For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

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

2. The 1st respondent registered an FIR in Crime No.1396 of 2020 for the offences under Sections 3(2)(a), 4(1) & 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the elder sister of the 4th respondent, namely Jerina Samiulla, who was produced before the learned 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 Crl.M.P.No.2440 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 Crl.O.P.No.27063 of 2018 and Crl.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 her sister, namely the 4th respondent from the home, shall produce necessary evidence to show her relationship with the 4th respondent. The 4th respondent, on being released from the home, shall stay at Chennai and report before the learned 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 criminal miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

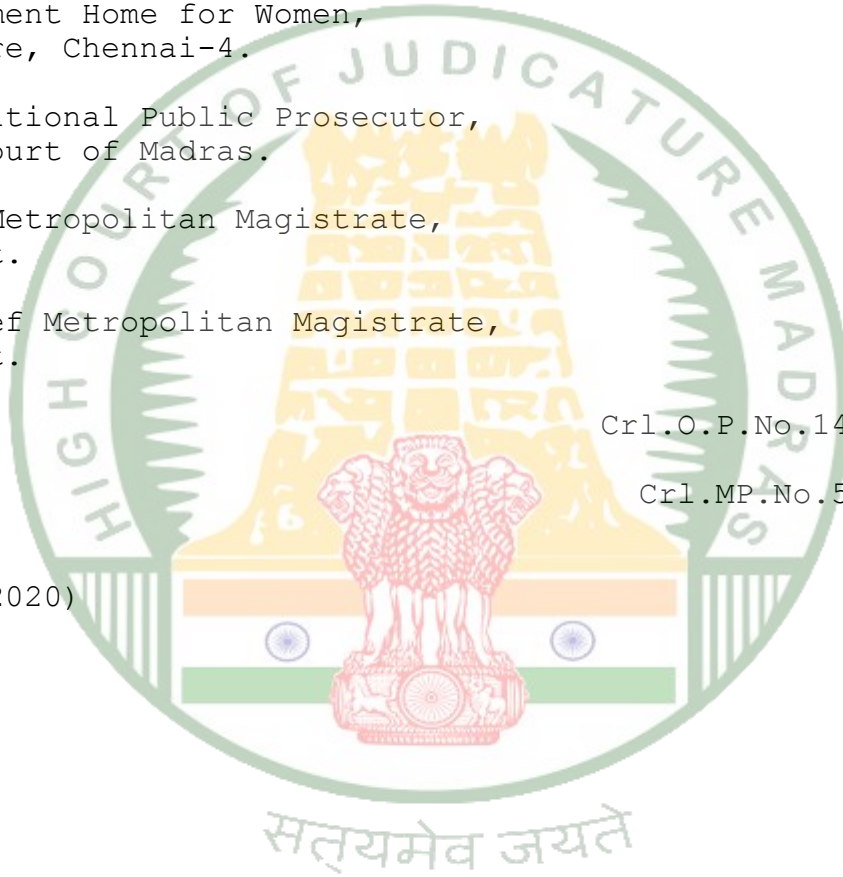
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To

- 1.The Inspector of Police,
Thirumangalam Police Station,
Chennai District.
- 2.The Chief Probation Superintendent,
The Office of the Chief Probation Office,
CMDA Tower II, 2nd Floor,
Egmore, Chennai.
- 3.The Superintendent,
Government Home for Women,
Mylapore, Chennai-4.
- 4.The Additional Public Prosecutor,
High Court of Madras.
- 5.The IV Metropolitan Magistrate,
Saidapet.
- 6.The Chief Metropolitan Magistrate,
Saidapet.

Crl.O.P.No.14377 of 2020
and
Crl.MP.No.5489 of 2020

PP (CO)
GN(23/09/2020)



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