



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P. (MD) No.933 of 2020

WEB COPY

Sivasakthi ... Petitioner/Mother of the Detenue
-vs-

1.The Superintendent of Police
Virudhunagar
Virudhunagar District

2.The Inspector of Police
Sivakasi Town Police Station
Virudhunagar District
(Crime No.1182/2020)

3.Vincent ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus directing the respondents 1 and 2 herein to secure the detenue namely Srirasika, daughter of Sivasakthi, aged 15 years and produce the body of the detenue before this Court and set her at liberty.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.K.Dinesh Babu

Additional Public Prosecutor for R1 & R2

O R D E R

[Order of the Court was made by K.KALYANASUNDARAM, J.]

The petitioner has filed this habeas corpus petition seeking direction to the respondents 1 and 2 to secure her daughter, namely, Srirasika, aged 15 years, produce her before this Court and set her at liberty.

2. It is the case of the petitioner that the detenue is studying 11th Standard in Pudur Government higher Secondary School. Since the School is closed due to Covid-19, the detenue was working in Chennai Mahal Jewellery in Sivakasi. Whiles, she is found missing from 21.10.2020, for which a complaint was lodged before the second respondent Police on 21.10.2020. Though a case was registered in Crime No.1182 of 2020 under Girl Missing, no action was taken by the Police so far. It is further alleged that the third respondent kidnapped the detenue.

3. Heard Mr.R.J.Karthick, learned counsel appearing for the petitioner, and Mr.K.Dinesh Babu, learned Additional Public



Prosecutor, appearing for the respondents 1 and 2 and perused the materials available on record.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor submitted that the third respondent was secured by the second respondent Police on 26.11.2020 and he was remanded to judicial custody and the case was altered into under Sections 366 and 376 I.P.C., and Section 5(1) and 6 of POCSO Act. It is further submitted that medical test was also conducted.

5. The petitioner and the detenu have appeared before this Court through Video Conferencing from the Office of the Public Prosecutor. On enquiry, the detenu would state that she is willing to go with her mother / petitioner herein, who has also accepted the same.

6. In the light of the above facts, this habeas corpus petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.
- 2.The Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.933 of 2020

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VR (CO)

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