

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.1151 of 2021
and CrI.M.P.No.710 of 2021

- 1 PATSY LINDA D.ROZARIO
W/O.D.ROZARIO, 30/I/H5,
DR.SURESH SARKAR ROAD,
ENTALLY, INTALLY S.O, INTALLY,
KOLKATTA , WEST BENGAL - 700 014.
- Vs
- 1 STATE REP. BY ,
THE INSPECTOR OF POLICE, AVS-I, CHENNAI.
- 2 THE CHIEF PROBATION SUPERINTENDENT,
THE OFFICE OF CHIEF PROBATION OFFICE,
CMDS TOWER-II, 2ND FLOOR, EGMORE, CHENNAI.
- 3 THE SUPERINTENDENT,
GOVERNMENT HOME FOR WOMEN, MYLAPORE,
CHENNAI - 600 004.
- 4 SHARMAIN RINKEY D ROZARIO
D/O.D.ROZARIO, 30/I/H/5, DR.SURESH SARKAR ROAD,
ENTALLY, INTALLY S.O. INTALLY,
KOLKATTA, WEST BENGAL - 700 014. ..RESPONDENTS

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the 2nd respondent to file a report pertaining to the detention of the detenu by name Sharmain Rinikey D Rozario and in pursuance direct the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the CrI.M.P. No.....Not known of 2021 in Crime No.1 of 2021 on the file of the 1st respondent as expeditiously.

For Petitioner : Mr.L.Saravanan

For Respondents: Mr.Mohammed Riyaz

Additional Public Prosecutor
for R1 to R3

O R D E R

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

2 The first respondent registered an FIR in Crime No.1 of 2021 for the offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the mother of the fourth respondent, namely Sharmain Rinikey D Rozario was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home on 04.01.2021.

3 The learned counsel for the petitioner submitted that the petitioner filed a petition in CrI.M.P.No.Not known of 2021 before the Court below seeking for the release of the petitioner's daughter 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 The learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this Court in CrI.O.P.No.29421 of 2019, CrI OP No.2525 of 2019, CrI OP No.8202 of 2019 and CrI OP No.8733 of 2019, wherein this Court has dealt with an issue of similar nature.

5 Taking into consideration the earlier order passed by this Court 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 daughter 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 IV Metropolitan Magistrate Court, Saidapet, Chennai, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

6 This Criminal Original Petition is disposed of, with the above direction. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar.

To

- 1 STATE REP. BY ,
THE INSPECTOR OF POLICE, AVS-I, CHENNAI.
- 2 THE CHIEF PROBATION SUPERINTENDENT,
THE OFFICE OF CHIEF PROBATION OFFICE,
CMDS TOWER-II, 2ND FLOOR, EGMORE, CHENNAI.
- 3 THE SUPERINTENDENT,
GOVERNMENT HOME FOR WOMEN, MYLAPORE,
CHENNAI - 600 004.
- 4 SHARMAIN RINKEY D ROZARIO
D/O.D.ROZARIO, 30/I/H/5, DR.SURESH SARKAR ROAD,
ENTALLY, INTALLY S.O. INTALLY,
KOLKATTA, WEST BENGAL - 700 014.
5. THE IV METROPOLITAN MAGISTRATE COURT,
SAIDAPET, CHENNAI.
6. DO THRO CHIEF METROPOLITAN MAGISTRATE
EGMORE, CHENNAI
7. THE PUBLIC PROSECUTOR,
HIGH COURT OF MADRAS, CHENNAI.

+1cc to Mr.L.Saravanan, Advocate, S.R.No.4300.

NRA (29/01/2021)

सत्यमेव जयते

CrI.O.P.No.1151 of 2021
and CrI.M.P.No.710 of 2021

WEB COPY