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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

H.C.P.No.245 of 2021

J.Manjula
W/o.Late Jayaraman

...Petitioner

Vs.

1.The Deputy Inspector General of Police,
Police Department,
Vellore Range,
Vellore District.

2.The Superintendent of Police,
Vellore, Vellore District.

3.Inspector of Police,
Bagayam Police Station,
Vellore District.

4.The Superintendent,
Government Womens Backyard,
Periya Allapuram,
Vellore - 632 001.
Vellore District.

...Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a writ of Habeas Corpus directing third respondent herein to produce the petitioner's minor child viz., Kanimozhi, aged 16 years, before this Court and handover to the petitioner.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.R.Muniyapparaj
Government Advocate [Cr1.side]



ORDER

[Order of the Court was made by P.N.PRAKASH, J]

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This petition has been filed seeking a direction to third respondent herein to produce the petitioner's minor child viz., Kanimozhi, aged 16 years, before this Court and handover to the petitioner.

2. On 16.02.2021, we passed the following order:

'Today, Mr.P.Saravanan, Special Sub-Inspector of Police, Bagayam Police Station, Vellore District, is present.

2. On instructions, Mr.R.Prathap Kumar, learned Additional Public Prosecutor submitted that the detinue in this case is the victim girl in Musuri All Women Police Station Crime No.7 of 2019 for the offences under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and Sections 406, 323 and 506(I) IPC. The accused in that case is one Vijayakumar, who was arrested by the police and was remanded in judicial custody and the custody of the detinue was given to the fourth respondent. Now, it is alleged that the detinue along with some other inmates in the fourth respondent have escaped, in connection with which, a case in Bagayam Police Station Crime No.1602 of 2020 was registered for 'girls missing' and investigation is in progress.

3. Mr.R.Prathap Kumar, learned Additional Public Prosecutor takes notice for the fourth respondent.

4. The third and fourth respondents are directed to file a status report before this Court on 16.03.2021. In the meanwhile, if the detinue is secured, she may be produced before the Judicial Magistrate Court No.I, Vellore, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody of the detinue.

Post the matter on 16.03.2021.'

3. On 25.06.2021, we passed the following order:

'Today, when the matter was taken up for hearing, on instructions, the learned Government Advocate



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[Crl.side] submitted that, the victim girl viz, Kanimozhi has been traced by the Police, but she has not been produced before the jurisdictional Court in Bagayam Police Station Crime No.1602 of 2020, for which, the learned Government Advocate [Crl.Side] sought time.

2. Accepting his request, the matter stands adjourned to 09.07.2021.'

4. On 09.07.2021, we passed the following order:

'The police are directed to produce Kanimozhi, aged about 16 years, before this Court on 13.07.2021. The petitioner shall also be present along with his counsel.

2. The Registry is directed to make arrangements for their appearance in person before this Court.

Post the matter on 13.07.2021.'

5. Pursuant to our order dated 09.07.2021, Mr.G.Ravichandran, Sub-Inspector of Police, Bagayam Police Station, Vellore District, produced Manjula, the petitioner herein and Kanimozhi.

6. When enquired by us, Manjula stated that Kanimozhi was secured two months back and was handed over to her. However, the learned counsel for the petitioner has been contentiously disputing this fact on account of which we were forced to make them come to High Court in this Covid-19 pandemic by relaxing the protocol norms.

7. We would have dismissed this petition imposing exemplary costs, if not for the fact that the costs will unnecessarily fall on the account of the petitioner, who appears to be an illiterate person. However, we record a note of caution to the learned counsel for the petitioner to be more circumspect while making such representations before this Court.

Since Kanimozhi is not in illegal custody but in the custody of her mother, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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To

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- 1.The Deputy Inspector General of Police,
Police Department,
Vellore Range,
Vellore District.
- 2.The Superintendent of Police,
Vellore, Vellore District.
- 3.The Inspector of Police,
Bagayam Police Station,
Vellore District.
- 4.The Superintendent,
Government Womens Backyard,
Periya Allapuram,
Vellore - 632 001.
Vellore District.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.245 of 2021

AD[col]
NSK 03/08/2021