

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.5009 of 2021
and Crl.M.P.No.3193 of 2021

Bharati Karmakar

... Petitioner

Vs.

1. State Represented by its
The Inspector of Police,
S-13, Chromepet Police Station,
Chromepet, Chennai.
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. Sumana @ Sumana Karmakar

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to file a report pertaining to the detention of the detinue by name Sumana @ Sumana Karmakar and in pursuance direct the learned Judicial Magistrate-I, Tambaram, Chennai to dispose the Crl.MP.No. Not Known of 2021 in Crime No.49 of 2021 on the file of 1st respondent as expeditiously.

For Petitioner : Mr.L.Saravanan

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

O R D E R

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

2 The first respondent registered an FIR in Crime No.49 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. The petitioner's daughter namely Sumana @ Sumana Karmakar was produced before the Judicial Magistrate-I, Tambaram, Chennai showing her as a victim and she was detained in the home on 26.02.2021.

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 learned Judicial Magistrate-I, Tambaram, 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

//True Copy//

Sub Assistant Registrar

ssr

To

1.The Judicial Magistrate No.I,
Tambaram, Chennai.

2.The Chief Judicial Magistrate,
Kancheepuram.

3. The Inspector of Police,
S-13, Chromepet Police Station,
Chromepet, Chennai.

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

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

6.The Public Prosecutor,
High Court of Madras, Chennai.

+1 cc to M/s.L.Saravanan, Advocate Sr.No. 15995

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and Crl.M.P.No.3193 of 2021

GJ(CO)
RMP(12/03/2021)

सत्यमेव जयते

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