



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.909 of 2021

B.Stephen Davitt
S/o.Benjamin Davitt

..Petitioner

Vs.

1. State of Tamil Nadu
represented by
The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600007.

2. The Inspector of Police,
M-3 Puzhal Police Station,
Chennai - 600066.

3. S.Deepa
W/o.Shankar

..Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus directing the second respondent herein to produce the body of the detenu, Glen Micheal Davitt Celestina, aged 17 years, S/o.B.Stephen Davitt and Parimala Davitt, before this Court and to give custody to the petitioner.

For Petitioner : Mr.J.Antony Jesuraja

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



ORDER

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

This petition is filed seeking a direction to the second respondent herein to produce the body of the detenu, Glen Micheal Davitt Celestina, aged 17 years, S/o.B.Stephen Davitt and Parimala Davitt, before this Court and hand over custody to the petitioner.

2. On 14.06.2021, we passed the following order:

'The second respondent has filed a status report dated 14.06.2021, wherein, he has stated that on a complaint given by the petitioner, a case in M-3, Puzhal Police Station Crime No.395 of 2021 for 'boy missing' has been registered on 01.06.2021 and during the course of investigation, it came to light that the detenu Glen Micheal Davitt Celestina, aged about 17 years, who is the son of the petitioner, has eloped with the daughter of the third respondent and investigation is in progress for both of them.

2. If the detenu Glen Micheal Davitt Celestina and the daughter of the third respondent are secured, they shall be produced before the jurisdictional Magistrate under intimation to the petitioner and third respondent, respectively.

Post the matter on 12.07.2021.'

3. Today, the police produced Glen Micheal Davitt Celestina and Varsha before us. When enquired by us, Glen Micheal Davitt Celestina stated that his date of birth is 07.05.2004 and he is around 17 years of age. Varsha told us that her date of birth is 01.02.2004 and she is also of the same age.

4. We carefully perused the order dated 24.06.2021 that has been passed by the learned District Munsif cum Judicial Magistrate, Madhavaram, in CrI.M.P.No.1164 of 2021. A reading of the order shows that both Glen Micheal Davitt Celestina and Varsha have been directed to be placed in a Children's Home and accordingly, police have lodged them in Sevalaya Home, Tiruninravur. Therefore, in view of the above, it cannot be stated that Glen Micheal Davitt Celestina and Varsha are in illegal custody as they are now in the Home pursuant to valid orders passed by the learned District Munsif cum Judicial Magistrate, Madhavaram.

In the result, the Habeas Corpus Petition is closed. The second respondent police is directed to lodge both Glen Micheal



Davitt Celestina and Varsha back in the Home. It is open to the learned District Munsif cum Judicial Magistrate, Madhavaram, to pass appropriate orders with regard to further custody of Glen Micheal Davitt Celestina and Varsha in accordance with law. The learned District Munsif cum Judicial Magistrate, Madhavaram, may also inform the jurisdictional Child Welfare Committee in this regard.

With the above observation, this Habeas Corpus Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gm

To

1. The District Munsif cum Judicial Magistrate,
Madhavaram.
2. The Chief Judicial Magistrate,
Chennai.
3. The Jurisdictional Child Welfare Committee,
Chennai.
4. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600007.
5. The Inspector of Police,
M-3 Puzhal Police Station,
Chennai - 600066.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.P.Nareshkumar, Advocate, S.R.No.33088

H.C.P.No.909 of 2021

UM(CO)
RGA(04/08/2021)