



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.15713 of 2021

Abdul Mannan

... Petitioner

Versus

1. State represented by
The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai - 600 014.
- 2.The Chief Probation Officer,
Office of the Chief Probation Officer,
CMDA Tower-II 2nd Floor,
Egmore, Chennai.
- 3.The Superintendent,
Government Home for Women,
Mylapore,
Chennai - 600 004.
4. Mayo Mahato @ Mamani Begam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, prays to direct the 3rd respondent to immediately release the 4th respondent viz., Mayo Mahato @ Mamani Begam, D/o. Abdul Mannan, aged about 27 years from the Government Protective Home for Women, Mylapore, Chennai and hand over the custody to the petitioner in pursuance to the order passed by the learned Judicial Magistrate No.II, Alandur in CrI.M.P.No. 919 of 2021 in Cr. No.506 of 2021 dated 29.07.2021.

For Petitioner : Mr.Kripakaran
for Mr.U.Yuvaraj

For Respondents: Mr.A.Damodaran,
Government Advocate (Crl.Side)
for R1



ORDER

(This case has been heard through video conference)

The petitioner, father of the victim Mayo Mahato @ Mamani Begam, filed this petition seeking release of his daughter from the custody of the third respondent, pursuant to the order passed by the Judicial Magistrate-II, Alandur communicating the order through letter No.656 of 2021 dated 30.07.2021.

2. The contention of the petitioner is that the 4th respondent was taken in custody of Crime No.506 of 2021, and thereafter, the petitioner's cousin brother had filed a petition seeking custody of the 4th respondent in Crl.M.P.No.864 of 2021 before the lower court. In the meanwhile, he has filed a petition in Crl.O.P. No.11440 of 2021 and this court by an order dated 05.07.2021 disposed the petition, directing the petitioner to produce necessary evidence to show the relationship of the petitioner therein namely Prasenjit Mahato, cousin brother. Following the same, the lower court has passed an order on 05.07.2021. The cousin of the 4th respondent was not immediately having documents to prove his relationship. Thereafter, the petitioner herein, father of the 4th respondent filed a petition before the lower court in Crl.M.P. No.919 of 2021 and the Judicial Magistrate-II, Alandur, by the order dated 29.07.2021 had granted custody of the 4th respondent to the petitioner. The order is detailed one. In the order, it is clearly mentioned that the petitioner's residence proof produced such as Aadhar Card, Election Commission card, Probationary Officer report received and thereafter, the order has been produced. The petitioner has approached the 3rd respondent seeking release of his daughter/4th respondent herein. The 3rd respondent failed to hand over the custody of the 4th respondent to the petitioner informing that earlier, there is an order passed by this court in Crl.O.P.No.11440 of 2021 on 05.07.2021 to hand over the custody to the cousin brother and now, the petitioner is seeking custody. In view of the same, the 3rd respondent has harassed the petitioner.

3. The learned Government Advocate (Criminal Side) appearing for 1st respondent would submit that the petitioner was granted custody of the 4th respondent by the order of learned Judicial Magistrate-II, Alandur in Crl.M.P.No.919 of 2021 dated 29.07.2021. The communication was also sent to the 3rd respondent in letter No.656 of 2021 dated 30.07.2021.

4. Considering the submissions and on perusal of the materials, it is seen that the lower court, on verification of the credentials of the petitioner and confirmed that the petitioner is the father of the victim girl, had directed the



3rd respondent to hand over the custody of the 4th respondent to the petitioner. In view of the same, the 3rd respondent withholding the handing over of custody, which is not proper. In view of the same, this Court directs the 3rd respondent to hand over the custody of the fourth respondent forthwith to the petitioner.

5. With the above direction, this Criminal Original Petition is disposed of .

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp/ham

To

- 1.The Inspector of Police,
J-9, Thuraipakkam Police Station,
Chennai - 600 014.
- 2.The Chief Probation Officer,
Office of the Chief Probation Officer,
CMDA Tower-II 2nd Floor,
Egmore, Chennai.
- 3.The Superintendent,
Government Home for Women,
Mylapore,
Chennai - 600 004.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.U.Yuvaraj, Advocate SR.No. 45365
CRL.O.P.No.15713 of 2021
VBM(CO)
A.SK(08.09.2021)