



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.09.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16291 of 2021
and
Crl.M.P.No.8833 of 2021

Surma.

... Petitioner

Versus

1. Inspector of Police,
K-4 Anna Nagar Police Station,
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. Ruma.

... Respondents

PRAYER: Criminal Original Petition 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 detainee by name RUMA and in pursuance, direct the Learned IV Metropolitan Magistrate, Saidapet, Chennai - 15 to dispose the CRL.M.P.No.7435 of 2021 in Crime No. 618 of 2021 on the file of the 1st respondent expeditiously.

For Petitioners :Mr.R.Parthiban.

For Respondents :Mr.A.Damodharan,
Counsel for Government of
Tamil Nadu (Crl.Side)
for R1 - R3,

ORDER

The petitioner, who is the sister of one Ruma, has filed this petition seeking a direction directing the IV Metropolitan Magistrate, Saidapet, Chennai to dispose the CRL.M.P.No.7435 of 2021.



2. The contention of the petitioner is that petitioner's sister is involved in a case in Crime No.618 of 2021 for offences under Sections 3(2)(a), 4(1), 5(1)(a) of Immoral Traffic Prevention Act 1956 and now, she has been entrusted in custody with the 3rd respondent. The petitioner, after coming to know about the same, had filed a petition seeking to hand over her sister under the custody of the petitioner and the same was taken on file as CRL.M.P.No.7435 of 2021 on 24.08.2021. Thereafter, the lower Court had issued notice to the Public Prosecutor and also sought for the Probationary Officer's Report. Then, the case has been periodically adjourned from August 2021 to till date. According to the petitioner, the report of the Probationary Officer is yet to be filed and without any reason whatsoever, there is an inordinate delay. Further as the petitioner's sister is suffering physically and mentally, her further detention would only derange her health.

3. The learned Government Advocate (crl.side) submitted that the Probationary Officer Report is awaited. Since the petitioner hails from other State, Viz., Karnataka, once the Probationary Officer Report is received, appropriate Orders will be passed by the Court below and the delay is not on the part of the respondent police.

4. Considering the same, this court directs the lower Court to get the report from the Probationary Officer without any further delay and to dispose the CRL.M.P.No.7435 of 2021 with in a period of two weeks from the date of receipt of a copy of the order.

5. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
K-4 Anna Nagar Police Station,
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. The Public Prosecutor,
High Court, Madras.

5. The IV Metropolitan Magistrate,
Saidapet, Chennai 15.

+lcc to Mr.William Shakesphere , Advocate SR.No.46772

CRL.O.P.No.16291 of 2021

SSI (CO)
KM(15.09.2021)