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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.16265 of 2021

Asha Das.

... Petitioner

Versus

1. State Inspector of Police,
Tambaram 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 4
4. Dipali Das.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 3rd respondent to file a report pertaining to the detention of the detenu by name Dipali Das, and in pursuance direct the Judicial Magistrate Court - I, Tambaram to dispose CRL.M.P.No.1135 of 2021 in Crime No.426 of 2021 as expeditiously.

For Petitioners : M/s.M.Kokila,
for Mr. S.Senthilvel

For Respondents : Mr.A.Damodharan,
Government Advocate (Crl.Side)
for R1 - R3,

ORDER

The petitioner, who is the mother of one Dipali Das, has filed this petition seeking a direction directing the Judicial Magistrate Court - I, Tambaram to dispose the CRL.M.P.No.1135 of 2021.

2. The contention of the petitioner is that petitioner's daughter is involved in a case in Crime No.426 of 2021 for



offences under Section 420 of IPC and Section 3(2)(a), 5(1)(a), 8(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 daughter under the custody of the petitioner and the same was taken on file as CRL.M.P.No.1135 of 2021 on 24.06.2021. 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 June 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 daughter 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., West Bengal, 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.1135 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.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

mrp/mdl

To

1. The Judicial Magistrate No.I,
Tambaram.
2. State Inspector of Police,
Tambaram Police Station,
Chennai.
3. The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDA Tower II, 2nd floor,
Egmore, Chennai.



4. The Superintendent,
Government Home for Women,
Mylapore,
Chennai 4

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5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Senthil Vel , Advocate SR.No.46640(21/09/2021)

CRL.O.P.No.16265 of 2021

KJ(CO)
KM(15.09.2021)