



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.947 of 2019
and
Crl.MP.No.13430 of 2019

Shakila Banu

....Petitioner

Vs

1. The Chairman,
Child Welfare Committee,
Dharmapuri District,
Dharmapuri.

2. Sabeer Makthumbeeran

3. Salma

(R2 and R3 are impleaded as per order
in Crl.M.P.No. 14158 of 2019 in
R.C. No. 947 of 2019 dated 01.10.2019)

...Respondent

Prayer: The Criminal Revision Petition is filed under Section 397 read with 401 of Cr.P.C praying to set aside the Order passed in Na.Ka.No. 23/KuNaKu/2019 dated 30.07.2019 on the file of the Social Child Welfare Committee, Dharmapuri District by allowing the present Criminal Revision Petition.

For Petitioner : M/R.Jayaprakash

For Respondent : S.Sugendran
Government Advocate (Crl. Side)

ORDER

This Criminal Revision Case has been filed against the order passed in Na.Ka.No.23/KuNaKu/2019 dated 30.07.2019 by the Social Child Welfare Committee, Dharmapuri District.

2. The case of the prosecution is that the petitioner was in possession of a child which not belongs to her and thereby, the 1st respondent on finding that the petitioner was in unlawful possession of child belongs to one Salma W/o.Sabeer, passed the impugned order dated 30.07.2019, directing the petitioner to hand over the child to the Child Welfare Committee. Aggrieved by the same, the petitioner has filed the present revision before this Court.



3. The learned Counsel for the petitioner would submit that no enquiry was conducted and no opportunity was given to the petitioner. Further, he would submit that the child belongs to the relative of the petitioner and that the petitioner was about to adopt the child whereas, the 1st respondent, without giving any opportunity to the petitioner, passed the impugned order which warrants interference of this Court.

4. Heard the learned Government Advocate (Crl. Side) and perused the materials on record.

5. A reading of the impugned order passed by the 1st respondent shows that no proper document was produced by the petitioner and she has not proved that the child was adopted by her in the manner known to law. Further, the petitioner herself has admitted that she had taken the child from her relative. But unfortunately, she has not followed the procedures. Therefore, this Court does not find any perversity in the order passed by the 1st respondent and there is no merit in the revision and the revision is liable to be dismissed.

6. Accordingly, this Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dsn/ksa-2

To

1. The Chairman,
Child Welfare Committee,
Dharmapuri District, Dharmapuri.
2. The Public Prosecutor, (Criminal Side)
High Court of Madras, Chennai

+1cc to M/s.R.Jayaprakash, Advocate, S.R.No.47594

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SRA(CO)
RGA(13/10/2021)