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Crl.M.P.No.1149 of 2022
in HCP No.2193 of 2022

M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

(Order of the Court was made by M.SUNDAR, J.,)

Ms.D.Prasanna, learned counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor who has accepted notice for all the respondents are before us.

2. Captioned Criminal Miscellaneous Petition has been filed with a prayer for fixing an early date for hearing out captioned Habeas Corpus Petition.

3. Learned counsel for petitioner submits that the ground on which the prayer has been made is that the petitioner's daughter (detenue) is detained with her three year old son.

4. Learned Additional Public Prosecutor, on instructions, submits that the child is being given adequate care but in any event, if the



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petitioner insists, the jail authorities are also willing to handover the child to the petitioner (minor child's grandmother). However, we find that averment in paragraph 3 runs as follows:

'3..... I further submit that I am having vision disability and partially blind.'

5. Therefore, we wanted to know from the counsel for petitioner as to whether there is any one else with the petitioner who can take care of the child, learned counsel answered in the negative and stated that petitioner is living alone. Therefore, we are of the view that handing over the three year old minor child to the petitioner may not be best of the ideas.

6. In the light of the narrative thus far, we are not inclined to fix an early date. However, we would make it clear that it is open to the petitioner to come up with a similar prayer if any other need arises.

Captioned Crl.M.P is disposed of as closed.

gpa

[M.S.J.] [M.N.K.J.]
06.02.2023



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