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Crl.M.P.No.8509 of 2023

in

H.C.P.No.2189 of 2022

M.SUNDAR, J.,

and

R.SAKTHIVEL, J.,

[Order of the Court was made by M.SUNDAR. J]

Captioned 'Criminal Miscellaneous Petition' [hereinafter 'Crl.MP' for the sake of convenience and clarity] has been filed in a 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] which was disposed of finally by this Court in and by an order dated 03.01.2023. Therefore, the Registry has raised objections in this regard. We make an exception as the absentee, who is now lodged in a home has to write her +2 public examination from Monday i.e., 19.06.2023 upto 26.03.2023 (six examinations) i.e., between 19.06.2023 and 26.03.2023, to be noted, there is no examination on one day i.e., on 25.06.2023 which is Sunday. We are informed that the hall ticket for examination was received only yesterday afternoon around 2.00 p.m. Therefore, we make an exception and hold that the captioned Crl.MP can be assigned a number but we make it clear that this order will not serve as a precedent in other matters as this is an exception that is being made in extraordinary and unusual circumstances. If the petitioner is directed to take regular route it would consume time and the



absentee may not be able to write the examination on Monday and therefore, this course is being adopted. As regards other objections raised by the Registry regarding cause title and implead petition, the petitioner has given up respondent No.8 who is sought to be impleaded and as regards, respondent No.7, the miscellaneous petition is closed and a separate order is being made.

2. Mr.E.Raj Thilak, learned Additional Public Prosecutor accepts notice for respondents 1 to 4. Owing to the scope of captioned Crl.MP, notice to respondents 5 and 6 is not necessary.

3. Learned Prosecutor, on instructions, submits that it may be necessary that the absentee is escorted by a woman police. Learned Prosecutor also submits that it is necessary to ensure that no other person connected with HCP or absentee accompanies the absentee and we are informed that this submission is being made owing to the trajectory the matter has taken thus far. We express no opinion on the same as the immediate concern is the absentee writing the public examinations.

4. When HCP was pending, in and by an order dated 19.12.2022, another Hon'ble Division Bench has recorded in paragraph No.3 which reads as follows:



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'3. Earlier, she submitted to the Court that she wants to continue her studies in the Government Higher Secondary School, Mogappair and complete her plus two examination in April 2023. However, strangely, we understand that she has not been going to school.'

5. In the light of the narrative thus far, the following order is passed:

(a) The Station House Officer, W-6, Ayanaavaram All Women Police Station, Chennai, shall arrange for a cab / car and driver to transport the absentee to commute from Government home at Kellys, Chennai to examination centre in Red Hills i.e., Government Boys Higher Secondary School, Red Hills;

(b) Learned counsel on record for petitioner, on instructions, submits that the petitioner will pay for cab / car and driver for transport for all six days in advance i.e., by Sunday;

(c) The Station House Officer, W-6, Ayanaavaram All Women Police Station, Chennai, shall depute suitable woman/women police and permit someone from CWC if deemed necessary to accompany the absentee on all six days while going

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from home to examination centre for writing exams and while returning to the home;

(d) No other person shall be permitted to travel in the car or interact with the absentee in the examination centre or in route;

Captioned Crl.MP disposed of with the aforementioned directives.

There shall be no order as to costs.

[M.S., J]

[R.S.V., J]

16.06.2023

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**Note: (1) Registry to send a copy of this order to
Chair Person, Child Welfare Committee,
Chennai Central Team, Kellys, Chennai-600 010.
(2) Issue today and upload forthwith**

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