



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.16227 of 2023
and Crl.M.P.No.10244 of 2023

Ms.Moithila Akter, aged 22 years
C/o.Md.Mijan Miah
Ward No.2, Baspukur Kathliya
West Tripura
Tripura-799 131.

... Petitioner

Vs.

1.Inspector of Police
Anti Vice Squad-II
Chennai.
(Crime No.2 of 2023)

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.Akhi Akter, aged 24 years
C/o.Md.Mijan Miah

... Respondents



PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to grant a general direction directing the 2nd respondent to file a report pertaining to the detention of the detenue by name Akhi Akter and in pursuance direct the Hon'ble Special Court for Pocso Cases, Chengalpattu to dispose the Crl.MP.No.312 of 2023 in Crime No.2 of 2023 on the file of 1st respondent as expeditiously.

For Petitioner : Mr.M.Murugan

For R1 to R3 : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed by the sister of the detenue seeking for release of the detenue, who is now detained before the 3rd respondent Government Home for Women.

2 The first respondent registered an FIR in Crime No.2 of 2023 for the offences under Sections 3(2)(a), 4(1), 5(1)(a), 6(1) and 7(1) of Immoral Traffic Prevention Act, 1956. The petitioner is the sister of the fourth respondent, namely Akhi Akter, was produced



before the Special Court for Pocso Cases, Chengalpattu showing her as a victim and she was detained in the home on 21.01.2023.

3 The learned counsel for the petitioner submitted that the petitioner filed a petition in Crl.M.P.No.No.312 of 2023, before the Court below seeking for the release of the petitioner's sister and the same is kept pending on the ground that the P.O report is yet to be filed before the Court. Aggrieved by the same, the present petition has been filed before this Court.

4 The learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this Court in Crl.O.P.No.29421 of 2019, Crl OP No.2525 of 2019, Crl OP No.8202 of 2019 and Crl OP No.8733 of 2019, wherein this Court has dealt with an issue of similar nature.

5 Taking into consideration the earlier order passed by this Court and also the facts and circumstances of this case, this Court is inclined to direct the 3rd respondent to immediately release the 4th respondent from the Government Home for Women, Mylapore. The



petitioner before taking her sister namely the 4th respondent from the home, shall produce necessary evidence to show her relationship with the 4th respondent. The 4th respondent on being released from the home, shall stay at Chennai and report before the Special Court for Pocso Cases, Chengalpattu, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

6 This Criminal Original Petition is disposed of, with the above direction. Consequently, the connected miscellaneous petition is also closed.

19.07.2023

KP

Index: Yes/No

Internet: Yes/No

Note: Issue order copy on 20.07.2023



WEB COPY

5



To

1. Inspector of Police
Anti Vice Squad-II
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. Special Court for Pocso Cases,
Chengalpattu
5. The Public Prosecutor,
High Court of Madras, Chennai.



WEB COPY



6

N.ANAND VENKATESH,J.

KP

Crl.O.P.No.16227 of 2023
and Crl.M.P.No.10244 of 2023

19.07.2023