



CrI.O.P.No.21088 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.21088 of 2023

and

CrI.M.P.No.14489 of 2023

Pawan Kumar Barnwal
S/o.Sunil Kumar Barnwal

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
Anti-Vice Squad Police Station,
Chennai - CCB District.
Crime No.32 of 2023

2.The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDS Tower-II, 2nd Floor,
Egmore, Chennai.

3.The Superintendent,
Government Home for Women,
Myalpore, Chennai - 600 004.

4.Banashree Majumdar
W/o.Pawan Kumar Barnwal

... Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to direct the second respondent to file a report pertaining to the detention of the detenu by name Banashree Majumdar and in pursuance direct the IV Metropolitan Magistrate, Saidapet, to dispose the Crl.M.P.No.Not Known of 2023 in Crime No.32 of 2023 on the file of first respondent as expeditiously.

For Petitioner : Mr.L.Saravanan

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

ORDER

This petition has been filed by the husband of the detenue seeking for release of the detenue, who is now detained in the third respondent Government Home for Women.

2. The first respondent registered an FIR in Crime No.32 of 2023 for offences under Sections 3(2)(a), 4(1) and 5(1)(a) of Immoral Traffic Prevention Act, 1956. The petitioner is the husband of the fourth respondent viz., Banashree Majumdar, who was produced before the IV Metropolitan Magistrate Court, Saidapet, Chennai showing her as a victim and she was detained in the home on 28.08.2023.



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3. Learned counsel for the petitioner submitted that the petitioner filed a petition in CrI.M.P.No.Not Known of 2023 before the Court below seeking for the release of the petitioner's wife 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. Learned counsel for the petitioner brought to the notice of this Court the earlier order passed by this Court in CrI.O.P.No.29421 of 2019, CrI OP No.2525 of 2019, CrI OP No.8202 of 2019 and CrI 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 third respondent to immediately release the fourth respondent from the Government Home for Women, Mylapore. The petitioner before taking his wife, viz., fourth respondent from the home, shall produce necessary evidence to show his relationship with the fourth respondent. The fourth respondent on being released from the home,



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shall stay at Chennai and report before the IV Metropolitan Magistrate Court, Saidapet, Chennai, once in a week on Monday at 10.30 a.m., till the P.O report is submitted before the Court.

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

14.09.2023

Note : Issue today (14.09.2023)

Index: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-speaking order
gm



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To
WEB COPY

- 1.The IV Metropolitan Magistrate Court,
Saidapet, Chennai.
- 2.The Inspector of Police,
Anti-Vice Squad Police Station,
Chennai - CCB District.
Crime No.32 of 2023
- 3.The Chief Probation Superintendent,
The Office of Chief Probation Office,
CMDS Tower-II, 2nd Floor,
Egmore, Chennai.
- 4.The Superintendent,
Government Home for Women,
Myalpore, Chennai - 600 004.
- 5.The Public Prosecutor,
High Court of Madras, Chennai.



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N.ANAND VENKATESH, J

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