

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.1345 of 2015

M.Ravichandran

... Petitioner

Vs.

The State represented by its

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2. The District Magistrate and
District Collector,
Salem District,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention dated 07.05.2015 passed by the second respondent in C.M.P.No.19/Goonda/C2/2015 and quash the same and produce the detenu, Raj @ Rajkumar, aged about 27 years, S/o.Ravichandran, before this Court and set him at liberty, the detenu now confined at Central Prison, Salem.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R
[Order of the Court was made by S.TAMILVANAN, J.]

Petitioner is the father of the detenu, who has been branded as a "'Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in C.M.P.No.19/Goonda/C2/2015 dated 07.05.2015.

2. As per the grounds of detention dated 07.05.2015, passed by second respondent, the detenu came to adverse notice in the following case:

Sl No.	Name of the Police station and Crime No.	Section of law
1	Dheevattippatty Police Station, Crime No.148 of 2015	395 r/w 397 IPC @ 395 r/w 397, 413 IPC

The alleged ground case has been registered against the detenu on 16.03.2015 by the Yercaud Police Station, in Crime No.76 of 2015 for offences under Sections 392 IPC r/w 397, 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Amidst several grounds raised, learned counsel for petitioner submits that though the detaining authority has considered the position that the detenu has not filed any bail application in the ground case, he has gone on to inform that there was a likelihood of the detenu being released on bail since in a similar case, this Court granted bail in CrI.O.P.No.25955 of 2012 on 19.11.2012. In support of such inference, there absolutely was no material. It has not been shown that either the detenu/his relatives/friends were making arrangements to move a bail application on his behalf in the ground case. It is, therefore, submitted that the detaining authority has arrived at subjective satisfaction without entering upon objective consideration.

4. We have heard learned Additional Public Prosecutor on the above submissions.

5. Finding that the subjective satisfaction arrived at by the detaining authority is erroneous and for the reasons put forth by learned counsel for the petitioner, this Court would allow the present petition.

Accordingly, the impugned detention order passed by second respondent, detaining the detenu, namely, Raj @ Rajkumar, aged about 27 years, S/o.Ravichandran, made in C.M.P.No.19/Goonda/C2/2015 dated 07.05.2015, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The District Magistrate and
District Collector,
Salem District,
Salem.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent of Central Prison,
Salem.
5. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

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H.C.P.No.1345 of 2015

AK(CO)
CA(28/09/2015)