

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Habeas Corpus Petition No.1415 of 2015

Sabitha Banu
W/o.George @ George Ashok Kumar ... Petitioner

-vs-

- 1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and
District Magistrate, Coimbatore. ... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus to call for the entire records relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 06.05.2015 on the file of the second respondent herein made in proceedings Cr.M.P. No.23/G/2015/E1 and quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely George @ George Ashok Kumar, son of Ennachi Muthu, aged 32 years, before this Court and set the petitioner's husband at liberty from detention, now petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

O R D E R

(The order of the Court was made by C.T.SELVAM, J.)

Petitioner is the wife of the detenu George @ George Ashok Kumar, son of Ennachi Muthu, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Cr.M.P. No.23/G/2015/E1 dated 06.05.2015. Such order is under challenge herein.

2. The detenu came to adverse notice in the following cases:-

S1.No.	Police Station and Crime No.	Sections of Law
1	Tiruppur District Anupperpalayam Police Station, Crime No.253 of 2013	294(b), 341, 307, 302 r/w.34 IPC
2	Tiruppur District Tiruppur North Police Station, Crime No.2283 of 2012	387 IPC

The ground case has been registered against the detenu in Crime No.68 of 2015 on the file of Annur Police Station for offences u/s.302 IPC.

3. Amidst several grounds raised, learned counsel for petitioner submits that possibility or otherwise of the detenu being released on bail has not received the consideration of the detaining authority. Hence, the subjective satisfaction has not been arrived at objectively and the order of detention suffers from non-application of mind.

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

5. We find that the order of detention does suffer from non application of mind and for the reasons put forth by learned counsel for petitioner, the order under challenge would have to fall. For the aforesaid reason, this Court would allow the present petition.

This Habeas Corpus Petition is allowed. The impugned order passed by second respondent against the detenu George @ George Ashok Kumar, son of Ennachi Muthu, made in Cr.M.P. No.23/G/2015/E1 dated 06.05.2015, is quashed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

The present order is only for the purpose of disposal of this petition and shall not have any bearing upon connected criminal cases pending before the competent Court.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vga

To

1.State of Tamil Nadu,
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and
District Magistrate, Coimbatore.

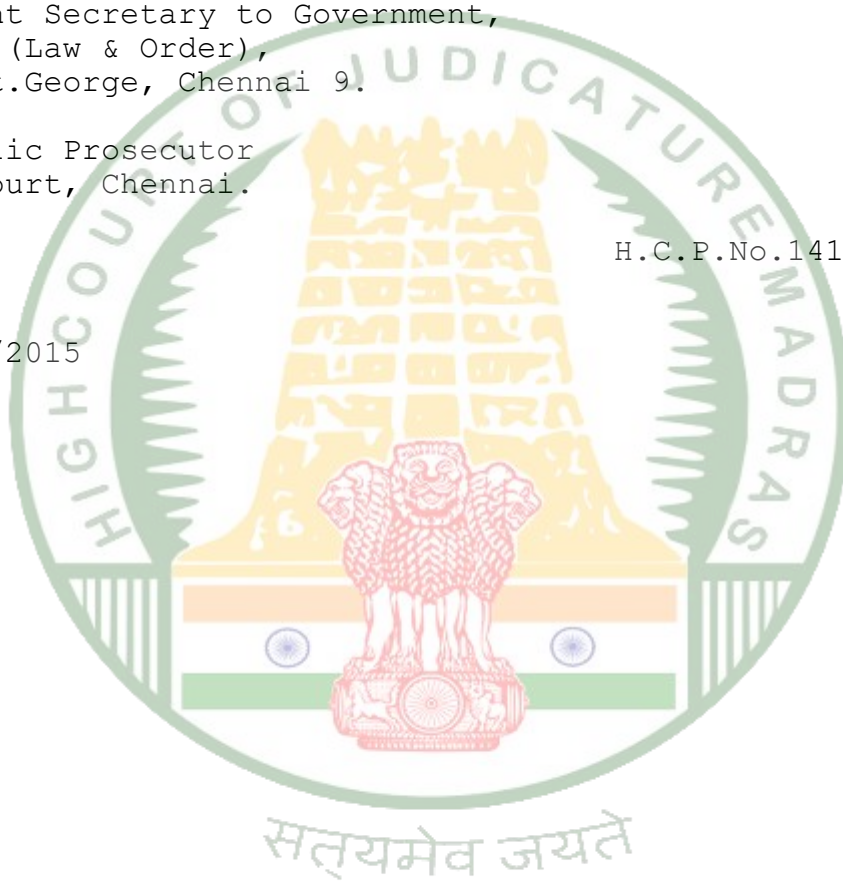
3.The Superintendent of Prison,
Coimbatore.

4.The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai 9.

5.The Public Prosecutor
High Court, Chennai.

H.C.P.No.1415 of 2015

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