

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

C O R A M

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
AND

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Habeas Corpus Petition No.1500 of 2015

R.Sennammal
W/o.Ranjithkumar

...Petitioner

-vs-

1. The State of Tamil Nadu,
represented by the
Secretary to Government,
Food, Co-operation and Consumer
Protection Department,
Chennai - 600 009.

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

3. The Secretary to the Government,
Food and Consumer Protection Department,
Government of India, New Delhi.

...Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus calling for the entire records from the second respondent in connection with order in C3.D.O.No.42/2015 dated 23.04.2015 and quash the same and produce the petitioner's husband namely Ranjith @ Ranjith Kumar, S/o.Annadurai, aged 37 years, now confined at Central Prison, Vellore, under the Tamil Nadu Act 7 of 1980 before this Court and set him at liberty.

For Petitioner : Mr.P.Pugalenth

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

O R D E R

(The order of the Court was made by S.TAMILVANAN, J.)

Petitioner is the wife of the detenu, who has been branded as a "Black Marketeer" under the provision of Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Act No.7 of 1980) and detained under order of the second respondent passed in C3.D.O.No.42/2015 dated 23.04.2015.

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

Sl.No.	Police Station and Crime No.	Sections of Law
1.	Civil Supplies CID, Vellore Unit, Crime No.110 of 2014	6(4) TNSC (RDCS) Order, 1982 r/w 7(1)a(ii) of E.C.Act, 1955

The alleged ground case has been registered against the detenu on 17.04.2015, by the Inspector of Police, C.S.CID, Vellore, in Crime No.60 of 2015 for offence under Section 6(4) TNSC (RDCS) Order, 1982 r/w 7(1)a(ii) of E.C.Act, 1955. 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 bail application of the detenu in the ground case was pending as on the date of passing the detention order, he has gone on to inform that there was a likelihood of the detenu being released on bail since in a similar case, bail was granted by learned Judicial Magistrate IV, Vellore, in CrI.M.P.No.438 of 2013 dated 18.02.2013 in respect of Crime No.23 of 2013 on the file of Civil Supplies, CID, Vellore Unit. Learned counsel submits that the order of the detaining authority reflects non-application of mind since in the ground case, there is no dispute that investigation is in the preliminary stage whereas in the case cited as similar, the fact that investigation therein stood almost completed has been noted.

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 the learned counsel for the petitioner, the order under challenge would have to fall.

6. Accordingly, the impugned detention order passed by the second respondent, detaining the detenu, namely, Ranjith @ Ranjith Kumar, S/o.Annadurai, aged 37 years, made in C3.D.O.No.42/2015 dated 23.04.2015, 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,
Food, Co-operation and Consumer
Protection Department,
Chennai - 600 009.
2. The District Magistrate and District Collector,
Vellore District,
Vellore.
3. The Secretary to the Government,
Food and Consumer Protection Department,
Government of India, New Delhi.
4. The Public Prosecutor
High Court, Chennai.
5. The Superintendent of Central Prison,
Vellore.
6. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.

H.C.P.No.1500 of 2015

AK (CO)

PSI (28.09.2015)