



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 26.03.2015
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.1417 of 2014

Bindhu .. Petitioner

Vs.

1.The Secretary to the Government,
Prohibition and Excise Department,
Secretariat,
Chennai.

2.The District Collector cum
District Magistrate,
Kanyakumari District
at Nagercoil.

.. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for records relating to the detention order passed by the second respondent vide P.D.No.23 of 2014, dated 06.11.2014 and set aside the same and consequently, direct the respondents to produce the detenu namely Ribimon @ Ribin @ Rubimon @ Ruby, Son of Anjalis, aged about 35 years before this Court and he is detained at Central Prison Palayamkottai and set him at liberty.

For Petitioner : Mr.K.P.Narayana Kumar

For Respondents : Mr.A.Ramar
Additional Public Prosecutor

ORDER

(Order of the Court was made by **A.SELVAM, J**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to detention order passed in P.D.No.23 of 2014, dated 06.11.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Ribimon @ Ribin @ Rubimon @ Ruby, Son of Anjalis and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Arumanai Police Station as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that the detenu has involved in the following adverse cases:

<https://hcservices.ecourts.gov.in/hcservices/>

(i) Crime No.281 of 2009 Arumanai Police Station
registered under Section 379 of the Indian Penal Code and



Sections 4(i), 4(ii), 4(1-A) read with Section 21 of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957 read with G.O.Ms.No.12 of Industry MMCI Department, dated 02.02.2009.

(ii) Crime No.329 of 2010 Arumanai Police Station registered under Sections 294(b) and 324 of the Indian Penal Code altered into Sections 294(b), 323 and 325 of the Indian Penal Code.

(iii) Crime No.439 of 2014 Arumanai Police Station registered under Sections 294(b), 353, 307 and 379 of the Indian Penal Code and Section 4(1-A) read with Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957.

3. Further it is stated in the affidavit that on 24.10.2014 one Vijayakumar as complainant has given a complaint in Arumanai Police Station against the detenu and the same has been registered in Crime No.477 of 2014 under Sections 341, 294(b), 307 and 506(ii) of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Goonda' by way of passing the impugned detention order and in order to quash the same, the present Habeas Corpus Petition has been filed by the wife of the detenu as petitioner.

5. Despite of repeated adjournments on the side of the respondents, counter has not been filed.

6. The learned counsel appearing for the petitioner has contended that on the side of the detenu two representations have been submitted on 12.11.2014 to the concerned authorities and the same have not been disposed of and therefore the detention order in question is liable to be quashed.

7. Considering the fact that the representations submitted on the side of the detenu to the concerned authorities have not yet been disposed of, this Court is of the considered view that the detention order in question is liable to be quashed.

8. In fine, this Habeas Corpus Petition is allowed and the detention order passed in P.D.No.23 of 2014, dated 06.11.2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Ribimon @ Ribi @ Rubimon @ Ruby, Son of Anjalis at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(Crl.side)

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1. THE SECRETARY TO GOVERNMENT
PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI.
2. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE,
KANYAKUMARI DT AT NAGERCOIL.
3. THE JOINT SECRETARY TO GOVERNMENT PUBLIC (LAW & ORDER) SECRETARIATE
CHENNAI-09
4. THE SUPERINTENDENT CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT
5. THE INSPECTOR OF POLICE,
ARUMANAI POLICE STATION, KANAYKUMARI DISTRICT
6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to Mr.K.P.NARAYANAKUMAR, Advocate in Sr.No. 14962

ORDER MADE IN
H.C.P (MD) No.1417 of 2014
26.03.2015

PS
NA/27/03/2015/P3/8C