



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 06.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P (MD) No.923 of 2015

Sangeetha

.. Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Tiruchirapalli City,
Tiruchirapalli.

3.The Inspector of Police,
Srirangam Police Station,
Trichy District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records relating to the order passed by the 2nd respondent in his proceedings in C.No.18/Detention/C.P.O./T.C./2015, dated 29.05.2015, quash the same as illegal and produce the detenu namely Vijayan, S/o.Paramasivam, aged about 32 years, now detained in Central Prison, Trichy, before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

For respondents : Mr.T.Mohan,

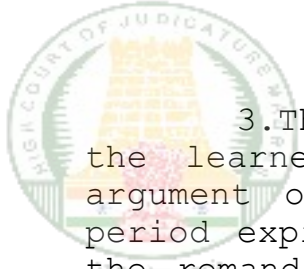
Additional Public Prosecutor.

O R D E R

[Order of the Court was made by S.NAGAMUTHU, J]

The petitioner is the wife of one Mr.Vijayan, S/o.Paramasivam. He has been detained as per the order of the second respondent, dated 29.05.2015, under Section 2(f) of the Tamilnadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner has come up with this petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.



3. Though several grounds have been raised in this petition, the learned counsel for the petitioner would mainly focus his argument on the ground that in Crime No.121 of 2015 the remand period expired on 25.05.2015 and there was no record to show that the remand was extended further. But, the detaining authority has stated that his remand was further extended beyond 25.05.2015. To arrive such a conclusion, there was no material available before the detaining authority.

4. We find some force in the said argument. In the absence of the document being produced before the detaining authority, it is not known as to how the detaining authority came to the conclusion that the detenu has been remanded beyond 25.05.2015. It shows the predetermination of the detaining authority and the subjective satisfaction arrived at by the detaining authority is not based on any material. In such view of the matter, we are inclined to set aside the impugned order.

5. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order in C.No.18/Detention/C.P.O./T.C./2015, dated 29.05.2015, passed by the second respondent is quashed. The detenu, by name, Vijayan, S/o.Paramasivam, aged about 32 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

gcg

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Secretariat,
Chennai-600 009.

2. The Joint Secretary,
Public (Law & Order) Department,
Fort St George, Chennai-9

3. The district collector and Magistrate, Tiruchirappalli.

4. The Superintendent, Central Prison, Tiruchirappalli.
(In Duplicate to communicate for detenu)

5. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.



6.The Inspector of Police,
Srirangam Police Station,
Trichy District.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.LELINKUMAR, ADVOCATE SR NO.58713

Order Made in
H.C.P(MD)No.923 of 2015

RG.08/10/2015/SK/SKN/SAR-II 3P/10C

06.10.2015