

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.2117 of 2015

Mahadevamma

.. Petitioner

vs.

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

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

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Habeas Corpus to call for the records in connection with the detention order passed by the second respondent dated 31.07.2015 in S.C.No.68 of 2015 against the petitioner's husband Chandra Reddy @ Abbaiahreddy, S/o.Chinna Anumanareddy, aged about 40 years, who is confined in Central Prison, Salem and set aside the detention order and direct the respondents to produce him before this Court and set him at liberty.

For petitioner : Mr.A.Balamurugan

For Respondents : Mr.A.N.Thambi Durai,
1 and 2 Addl. Public Prosecutor
(Crl.side)

O R D E R

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the wife of one Chandha Reddy @ Abbaiah Reddy. He has been detained by the 2nd respondent, namely, The District Collector and District Magistrate, Krishnagiri District, Krishnagiri, by an impugned detention order in S.C.No.68 of 2015, dated 31.07.2015, branding him as a Sexual Offender as contemplated under Section 2 (ggg) of the Tamil Nadu

Prevention of Dangerous Activities of Bootleggers Act, 1982. Challenging the said detention order, the petitioner has come up before this Court with this Habeas Corpus Petition.

2. We have heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents and we have also perused the records carefully.

3. Though several grounds have been raised in this Habeas Corpus Petition, the learned Counsel for the petitioner would mainly focus his argument on the ground that the petitioner was arrested on 30.05.2015 and he was remanded to judicial custody by the learned Judge, Fast Track Mahila Court, Hosur till 10.06.2015. But, that order has not been furnished to the accused and the same was not placed before the Detaining Authority. But, in the absence of such particulars, the detaining authority has passed the impugned order, which according to the learned Counsel for the petitioner, would go to show the total non-application of mind on the part of the Detaining Authority.

4. The learned Additional Public Prosecutor would, however, oppose this petition. At any rate, on facts, he would admit that the initial remand order dated 30.05.2015 passed by the learned Judge, Fast Track Mahila Court, Hosur, remanding him to judicial custody till 10.06.2015 has not been placed before the Detaining Authority.

5. We have considered the above submissions.

6. As pointed out by the learned Counsel for the petitioner, in paragraph 2 of the Detention Order, the Detaining Authority has stated that the accused was arrested on 30.05.2015 and he was produced before the learned Judge on the same day and remanded to judicial custody till 10.06.2015 and lodged in the Sub-Jail, Hosur. But the particulars relating to the arrest of the accused, production of the accused before the learned Judge, Fast Track Mahila Court, Hosur, on 30.05.2015 and the judicial order remanding him to judicial custody till 10.06.2015 and the fact that he was lodged in Sub-Jail, Salem have not been furnished to the Detaining Authority. While so, it is not explained to this Court as to how the Detaining Authority had come to know about these facts which shows that the Detaining Authority had pre-determined the matter and passed the detention order in total non-application of mind.

7. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in S.C.No.68 of 2015 dated 31.07.2015, passed by the second respondent is quashed. The detenu, namely, Chandrareddy @ Abbaiahreddy, son of Chinna Anumanareddy, is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To:

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

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H.C.P.No.2117 of 2015

bvr (CO)
srg (24/03/2016)