

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

and

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.2384/2015

Babu

..

Petitioner

vs.

1.The Commissioner of Police
Chennai Police, Vepery,
Chennai 600 007.

2.The Secretary to Government
Government of Tamil Nadu
Home, Prohibition & Excise Department
Fort St George, Chennai 600 009.

..

Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus calling for the records in BCDFGISSV No.726/2015 dated 13.08.2015 on the file of the 1st respondent, Commissioner of Police, Chennai Police, Vepery, Chennai 600007 and to quash the order passed therein and to set at liberty the petitioner viz., Babu, aged about 35 years, son of Williams, residing at Periya Colony, Athipedu, Chennai 600058, now lodged at Central Prison, Puzhal, Chennai 600 066.

For Petitioner .. Mr.S.Rajeswaran

For Respondents.. Mr.A.N.Thambidurai,APP

ORDER

(Order of the Court was made by M.JAICHANDREN, J.)

The petitioner / the detenu himself, challenges the detention order passed by the 1st respondent dated 13.08.2015 in BCDFGISSV No.726/2015 against him, branding him as a Goonda, under the Tamilnadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Ofenders, Forest Offenders, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Act 14 of 1982].

2 Heard the learned counsel, appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records placed before this Court, carefully.

3 Though several grounds have been raised by the learned counsel appearing for the petitioner ; the learned counsel would mainly contend that in paragraph 4 of the Grounds of Detention, the Detaining Authority has stated that the relatives of the detenu are taking action to take him out on bail by filing bail applications in V3 JJ Nagar Police Station Cr.Nos.1272/2013, 236/2014, 244/2014 and 608/2014, before the appropriate court. But, on a perusal of the Booklet furnished to the detenu, it is seen that no such statements have been recorded by the sponsoring authority to substantiate the said statement, nor filed any Special Report to that effect. This is indicative of total non-application of mind on the part of the detaining authority, which vitiates the order of detention.

4 In such circumstances, we find it appropriate to set aside the order of detention. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the 1st respondent, in BCDFGISSV No.726/2015, dated 13.08.2015, is hereby quashed. The detenu is directed to be set at liberty forthwith, unless his presence is required in connection with any other case.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Commissioner of Police
Chennai Police, Vepery,
Chennai 600 007.
- 2.The Secretary to Government
Government of Tamil Nadu
Home, Prohibition & Excise Department
Fort St George, Chennai 600009.

3. The Joint Secretary to Government
Public (Law and order) Fort Saint George,
Chennai

4. The Superintendent
Central Prison, Puzhal,
Chennai 66

5. The Public Prosecutor,
Madras High Court, Madras.

1 cc to Mr.S. Rajeswaran, Advocate, Sr. 15598

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VD (CO)
kk 6/4



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