

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2016

Coram:

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

H.C.P.No.2619 of 2015

R.Sathya

.. Petitioner

vs.

1.The Secretary to the Government,  
Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.

2.The District Magistrate and District Collector,  
Collectorate, Namakkal District,  
Namakkal.

3.The Inspector of Police,  
Vellore Police Station, Vellore.

.. 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 order of detention passed by the second respondent in Order No.57/Goonda/2015/M1 dated 20.09.2015 against the detenu, viz. G.Rajasekar, son of Ganesh, aged 29 years who is confined at the Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For petitioner : Mr.Thanga Vadhanabalakrishnan

For Respondents : Mr.A.N.Thambi Durai,  
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 Rajasekar, aged about 29 years, who has been detained under Act 14 of 1982 as per the detention order of the 2<sup>nd</sup> respondent in CMP.No.57/Goonda/2015/M1

dated 20.09.2015. 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. Even though various grounds have been raised in the present Habeas Corpus Petition, challenging the order of detention, dated 20.09.2015, the learned Counsel appearing on behalf of the petitioner would focus his argument on the ground that the Detaining Authority, though has stated that the Hon'ble High Court has granted bail in Crime No.431 of 2011 on the file of the Velur Police Station under Sections 294-b, 324 and 506 (ii) of IPC and Section 3 of Explosive Substance Act, which is similar to the adverse case in Velur Police Station Crime No.222 of 2015 for the offences under Sections 143, 341, 353, 188 IPC read with Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, they are not similar cases. Thus, the satisfaction arrived at by the Detaining Authority, according to the learned Counsel for the petitioner, is founded on no valuable facts.

4. We have considered the above submissions.

5. On appreciation of the offences involved in Crime No.431 of 2011 on the file of Velur Police Station in which bail has been granted by this Court and the offences involved in the adverse case in Velur Police Station Crime No.222 of 2015 are substantially different as it has been rightly pointed out by the learned Counsel for the petitioner. Thus, we are in agreement with the learned Counsel for the petitioner that there was total non-application of mind on the part of the Detaining Authority. In view of the same, we are inclined to quash the impugned detention order.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in CMP.No.57/Goonda/2015/M1, dated 20.09.2015, passed by the 2<sup>nd</sup> respondent is quashed. The detenu, namely, Rajasekar, son of Ganesan, is directed to be released forthwith, unless his presence is required in connection with any other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to the Government,  
Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai-600 009.

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

3.The Inspector of Police,  
Vellore Police Station, Vellore.

4. The Public Prosecutor,  
High Court, Chennai.

5.The Superintendent  
Central Prison, Salem

6.The Joint Secretary to Government  
Public Law and Order Fort St.George  
Chennai-9

+1 cc to M/s.Thanga vadhanaBalakrishnan Advocate sr.18830/16

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