

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2016

Coram:

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

H.C.P.No.2626 of 2015

K.Sudhagar

.. Petitioner

vs.

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

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

3.The Superintendent of Police
Central Prison, Cuddalore.

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Habeas Corpus to call for the entire records from the 2nd respondent in connection with order No.C2/18673/2015 dated 22.09.2015 and quash the same and produce the petitioner namely, Sudhagar, S/o.Krishnan, aged 24 years now confined in Central Prison, Cuddalore under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For petitioner : Mr.P.Pugalenth

For Respondents : Mr.A.N.Thambi Durai,
Addl. Public Prosecutor

O R D E R

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

The petitioner is the detenu herein, who has been detained under Act 14 of 1982 as per the detention order of the 2nd respondent in No.C2/18673/2015 dated 22.09.2015. Challenging the said detention order, the petitioner/detenu 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 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 22.09.2015, 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 Sessions Court has granted bail to one accused viz., Arivu @ Arivazhagan, in Crime No.695/2013 on the file of the Villupuram Taluk Police Station u/s.147, 148, 452, 324, 307, 302 and 109 of IPC read with Section 3 of Explosive Substance Act, which is similar to the ground case in Roshanai Police Station Crime No.422/2015 for the offences u/s.294[b], 324, 307 IPC read with section 3 of Explosive Substance Act, 1908. 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, the offences involved in the similar case in Crime No.695/2013 on the file of Villupuram Taluk Police Station in which bail has been granted by the Sessions Court and the offences involved in the ground case in Roshanai Police Station Crime No.422/2015, 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 No.C2/18673/2015 dated 22.09.2015, passed by the 2nd respondent is quashed. The detenu, namely, Sudhagar, son of Krishnan, is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(J)

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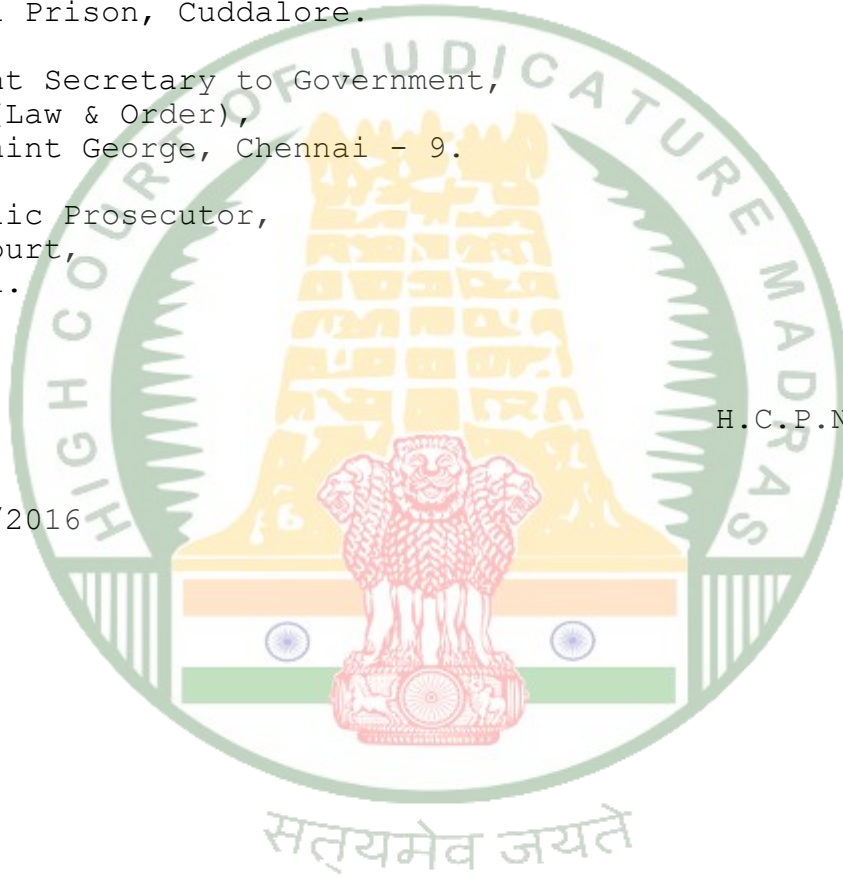
Sub Assistant Registrar

To

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

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H.C.P.No.2626/2015



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