

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.8.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.517 of 2016

Saravanan

..... Petitioner/Detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai-600 009.

2. Commissioner of Police,
Greater Chennai Police.

..... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records in connection with the order of detention passed by the second respondent dated 15.12.2016 in Memo No.111/BCDFGISSSV/2016 against the petitioner Saravanan, Male aged 30 years s/o.Anbumani, who is confined at Central Prison, Puzhal II, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner
For R1 and R2

: No appearance
: Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was made by V.BHARATHIDASAN, J.)

The petitioner is the detenu, who has been branded as Immoral Traffic

Offender as per the Tamil Nadu Act 14 of 1982 and detained in Central Prison, Puzhal, Chennai under the said act on the orders of the 2nd respondent by proceedings in No.111/BCDFGISSSV/2016 dated 15.02.2016. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. In this Habeas Corpus Petition, one Mr.S.Senthilvel was the counsel on record. When this matter came up for hearing yesterday, he was not prepared to argue the matter for want of further instructions. Today, when the matter came up for hearing, he withdrew his appearance. There is no representation for the petitioner. Therefore, we proceed to dispose of the Habeas Corpus Petition on merits.

3. We have heard the learned Additional Public Prosecutor appearing for the State.

4. A perusal of record would go to show that the petitioner has been prosecuted for offence under Sections 3(2)a, 4(1) and 5(1)a of ITP Act. On the proposal submitted by the sponsoring authority, the 2nd respondent has passed the order holding that the petitioner is a Immoral Traffic Offender in terms of Section 3(2) of the said Act.

5. We have gone through the entire records and also the other materials available.

6. We do not find any infirmity in the order warranting interference at the hands of this Court. In the affidavit filed in support of this petition, the petitioner has raised as many as 12 grounds.

7. The 1st ground is that the conclusion of the detaining authority that normal criminal law would not have had the effect of preventing the detenu effectively from indulging in activities prejudicial to the maintenance of public order is based on no material. In our considered view, a perusal of the detention order would go to show that the detaining authority has considered all the relevant materials and has come to the subjective satisfaction that the detenu cannot be prevented from indulging in activity prejudicial to the maintenance of public order by ordinary law. In this satisfaction arrived at by the detaining authority, we do not find any infirmity.

8. The next ground raised in the petition is that the second respondent has got no power under Section 2(g) of the Act to pass the said order. This ground is vague. We do not find any material at all in this ground raised as they are satisfied that under the Act, the second respondent is a competent authority to pass such kind of order.

9. The 3rd ground raised in the petition is that there was non application of mind on the part of the detaining authority. This ground is also very vague and no instances have been pointed out to indicate that there was non application of mind on the part of the detaining authority.

10. It is further stated that the sponsoring authority has foisted a case against the petitioner falsely. This is a matter for investigation and the same cannot be gone into in this Habeas Corpus Petition.

11. It is further contended that the likelihood of the petitioner coming out on bail is based on no material. This ground is also not sustainable, since in the materials submitted by the detaining authority, there are certain particulars given in respect of similar cases. Thus, the subjective satisfaction arrived at by the detaining authority that there is imminent possibility of detenu coming out on bail is based on sound reasons. The other grounds in the petition are also very vague which do not deserve any consideration.

12. Thus, we do not find any merit at all in this petition. Hence, this petition is dismissed.

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(S.N.J.,) (V.B.D.J.,)
17.8.2016

To

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai-600 009.

2. Commissioner of Police,
Greater Chennai Police.

3. The Public Prosecutor, High Court, Madras.

S.NAGAMUTHU J.,
AND
V.BHARATHIDASAN, J.
kua

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