

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.8.2016

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THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.529 of 2016

Jayanthi .. Petitioner

vs.

1. State of Tamil Nadu represented
By Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai- 600 007.

.. 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 connection with the order of detention passed by the second respondent dated 01.03.2016 in order No.223/BCDFGISSSV/2016 against the petitioner, confining him at Central Prison, Puzhal and set aside the same and direct the respondents to produce him before this Court.

For Petitioner	:	Mr.M.Madhan Kumar
For Respondent	:	Mr.V.M.R.Rajentren
		Additional Public Prosecutor

ORDER

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

The petitioner is the detenue under Act 14 of 1982 as an Immoral Traffic Offender. The second respondent by his proceedings in No.223/BCDFGISSSV/2016 dated 01.03.2016 has passed the said order. Now, she is lodged in Special Prison for Women, Puzhal, Chennai. Challenging the said detention order, the petitioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. According to the Detaining Authority, the petitioner is involved in a heinous crime of Immoral Trafficking punishable under Section 3(2)a, 4(1) & 5(1)a of ITP Act. In the year 2013, there was a case registered against her in Cr.No.111/2013 and in 2014, yet another case was registered in Cr.No.92/2014 for a similar offence and yet another case was registered in Cr.No.134 of 2014 for a similar

offence. The occurrence in the ground case was on 24.02.2016. From the facts involved in this case, the Detaining Authority has come to a conclusion that the petitioner is an Immoral Traffic Offender in terms of the Act. In the said conclusion arrived at by the Detaining Authority, we do not find any infirmity.

4. The learned counsel for the petitioner would however submit that before entering into the house from where the victim of Immoral Trafficking was rescued, no prior warrant was obtained from this Court. This argument, in our considered view, is so strange. When the victim was kept in the house which was not previously known to the police officer, when the accused was taken by the police officer in the trap proceedings to the house, there will be no occasion for the police officer to seek prior warrant from the Court.

5. The learned counsel would next contend that the detenue was detained for more than 24 hours in the police custody. In order to substantiate his contentions, there is absolutely no material available. Assuming that there is illegal detention for sometime, that will not in any way affect the detention order passed by the Detaining Authority.

6. The learned counsel for the petitioner would not make any

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

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further ground for consideration of this Court. We do not find any merit at all in this Habeas Corpus Petition. Therefore, this petition fails and accordingly, dismissed.

[S.N.J.] [V.B.D.J.,]
31.8.2016

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Index: Yes/No

To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai-600 009.

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai- 600 007.

3. The Public Prosecutor,
High Court, Madras.

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