

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2016

CORAM

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

H.C.P.No.615/2016

B.Sandhiya

.. Petitioner

Vs

1.The State of Tamil Nadu rep. by
Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Coimbatore.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the records in connection with the order of detention passed by the 2nd respondent dated 07.03.2016 in No.Cr.M.P.No.03/I.T.O/2016/E1 against the petitioner's husband Balaji, son of Natrayan, Male, aged 41 years, who is confined at Central Prison, Coimbatore and set aside the same and direct the respondents to produce the body of detainee before this Court and set him at liberty.

For Petitioner : Mr.M.Madhan Kumar

For Respondents : Mr.V.M.R.Rajentren,
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.NAGAMUTHU,J]

The petitioner is the wife of one Mr.Balaji, aged at 41 years. The 2nd respondent by his proceedings in No.Cr.M.P.No.03/I.T.O/2016/E1 dated 07.03.2016 has passed an order of detention, detaining him for one year under Section 3 (1) of the Tamil Nadu Act 14 of 1982, branding him as Immoral Traffic Offender. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

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

3. From the records available before us and from the argument made by the learned Additional Public Prosecutor, it is brought to our notice that the detenu is involved in 9 criminal cases all under the Immoral Traffic (Prevention) Act. From the narration of the facts in those cases, it is clear that the allegation against the detenu is that he is running a Brothel by engaging young women by forcing them into immoral trafficking. Therefore, the Detaining Authority has satisfied that he is an immoral traffic offender and that is how, he had been ordered to be detained under the Act.

4. But the learned Counsel for the petitioner tried to assail the said order on certain technical grounds. The learned Counsel for the petitioner would submit that page 45 of the booklet supplied to the detenu is not legible. But, it is not on record to consider the representation made by the detenu to the Government assailing the detention order.

5. The purpose of furnishing the booklet disclosing the materials upon which the Detaining Authority applied his mind is only to enable the detenu to make effective representation. In the instant case, the detenu has not even made any representation. In the absence of any representation, he cannot have any grievance to the fact that one page in the booklet supplied to him is illegible. Therefore, this argument is rejected. There is no other ground argued by the learned Counsel for the petitioner before this Court, though number of grounds have been raised in the affidavit filed in support of the petition. Thus, we do not find any reason to quash the impugned detention order.

6. In the result, the Habeas Corpus Petition stands dismissed.

tsi

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Coimbatore.

3. The Superintendent,
Central prison, Coimbatore.

4.The Public Prosecutor,
High Court, Madras.

+ 2 ccs to M/s.M.Madhan Kumar, Advocate SR 45697

rsi(co)
prk30/8

H.C.P.No.615/2016



WEB COPY