

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 22-08-2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.712 of 2016

Poomayil

... Petitioner/Mother of the
detenue

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of Habeas Corpus, to call for the records and quash the same leading to the detention of the petitioner's son, namely, Sethu @ Sethupathi, son of Chellam, aged 21 years, detained under Act 14/82 vide detention order, dated 16.03.2016, on the file of the second respondent herein made in Memo No.BCDFGISSSV No.13/2016, consequently direct the respondents to produce the body and person of the detenu before this Hon'ble Court and thereafter set him at liberty from the Superintendent, Borstal School, Pudukkottai.

For petitioner : Mr.M.Baskar

For respondents: Mr.V.M.R.Rajendren,
Additional Public Prosecutor.

O R D E R

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

Petitioner is the mother of one Mr.Sethu @ Sethupathi, aged 21 years, son of Chellam. The second respondent, by his proceedings in BCDFGISSSV No.13/2016, dated

16.03.2016, has passed an order of detention under Act 14 of 1982, holding the detenu as a Goonda, in terms of the said Act. Challenging the said order, the petitioner has come up 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 also perused the materials carefully.

3. The detenu has got three adverse cases and one ground case. The first adverse case is in Crime No.338 of 2013 on the file of E-5 Sholavaram Police Station, for the offences under Sections 147, 148, 341 and 302 IPC. The second adverse case is in Crime No.561 of 2014 on the file of E-5 Sholavaram Police Station, for the offences under Sections 147, 148, 294 (b), 324 and 506 (ii) IPC read with Sections 2 and 3 of TNPPD Act. The third adverse case is in Crime No.1663 of 2015 on the file of M-4 Redhills Police Station, which is subsequently transferred to Sholavaram Police Station on the point of jurisdiction, in Crime No.82 of 2016, for the offences under Sections 147, 148, 341, 336 and 302 IPC. The ground case is in Crime No.61 of 2016 on the file of Sholavaram Police Station, for the offences under Sections 294 (b), 427, 336, 392 read with 397 and 506 (ii) IPC.

4. Having gone through the records pertaining to these four cases and other matters, the detaining authority had come to the conclusion that there was an imminent possibility of the detenu coming out on bail and, by the ordinary law, it would not be possible to prevent him from committing similar crimes.

5. The learned counsel for the petitioner would submit that the satisfaction arrived at by the detaining authority that there was an imminent possibility of the detenu coming out on bail is based on no material. This argument does not persuade us at all. So far as all the adverse cases are concerned, though two are murder cases, the detenu has been granted bail. So far as the ground case is concerned, the major offence is only under Section 392 read with 397 IPC. In a similar case in Crime No.735 of 2014, bail was granted by the Court. This has been taken note of by the detaining authority, while coming to the conclusion that there was an imminent possibility of the detenu coming out on bail. We do not find any infirmity in the conclusion arrived at by the detaining authority.

6. The learned counsel would next contend that a few pages of the booklet supplied to the detenu are illegible. Though it may be true that a few pages of the booklet are illegible, in our considered view, it would not have caused

any prejudice to the detenu at all, because they do not relate to material papers. Above all, the purpose of supplying these papers is to enable the detenu to make a representation. In this case, though the detenu has claimed to have made such a representation, there are no records to prove the same. At any rate, we do not find any infirmity in the order of detention, warranting interference of this Court.

7. Habeas Corpus Petition is, therefore, dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

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

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