

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-09-2016

CORAM:

THE HON'BLE MR. JUSTICE A.SELVAM
and
THE HON'BLE MR. JUSTICE P.KALAIYARASAN

HCP No.832 of 2016

S. Selvam

.. Petitioner

Vs.

1. The Principal Secretary to
Government Home, Prohibition
and Excise (XVI) Department
Secretariat
Chennai - 600 009

2. The District Collector
(Detention Officer)
and District Magistrate
Kirshnakiri
Kirshnakiri District

3. The Inspector of Police
Singarapettai Police Station
Kirshnakiri District

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying to issue habeas corpus calling for the entire records connected with the detention order in S.C.No.76 of 2015 dated 15-08-2015 on the file of the second respondent and quash the same and direct the respondents to produce the body and person of the petitioner's son namely Siva aged about 22 years now confined a Salem Central Prison, Salem before this Court and set him at liberty and pass orders.

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For Petitioner : Mr. A. Raja Mohamed

For Respondents: Mr.V.M.R.Rajentran
Addl.Public Prosecutor

O R D E R
[Order of the Court was made by A.SELVAM, J.]

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to call for records relating to detention order dated 15-08-2015 passed in S.C.No.76 of 2015 by the detaining authority who has been arrayed as second respondent herein against the detenu by name Siva S/o.Selvam and quash the same.

2. The Inspector of Police, Singarapettai Police Station as sponsoring authority, has submitted an affidavit to the detaining authority, wherein it is stated that the detenu has involved in the following adverse cases:

- i. Singarapettai Police Station Crime No.346 of 2014 under Section 379 IPC
- ii. Singarapettai Police Station Crime No.347 of 2014 under Section 379 IPC
- iii. Morappur Police Station Crime No.219 of 2014 under Sections 457, 380 IPC
- iv. Morappur Police Station Crime No.228 of 2015 under Sections 457, 511, IPC
- v. Kambainallur Police Station Crime No.257 of 2014 under Sections 457, 380 IPC
- vi. Kambainallur Police Station Crime No.269 of 2014 under Sections 457, 380 IPC
- vii. Kambainallur Police Station Crime No.363 of 2014 under Sections 457, 380 IPC
- viii. Singarapettai Police Station Crime No.343 of 2015 under Sections 392, 395 IPC

3. Further it is averred in the petition that on 24-06-2015 at about 8:30 a.m. one Rani W/o. Murugan as defacto complainant has given a complaint against the detenu to the Singarapettai Police Station and the same has been registered in Crime No.344 of 2015 under Sections 448, 427, 294(b), 506(i) and 454, 380 IPC and ultimately requested the detaining authority to invoke Act 14/1982 against the detenu.

4. The detaining authority, after perusing the averments made in the affidavit and other connected documents, has derived subjective satisfaction that the detenu is a habitual offender and ultimately branded him as a 'Goonda', by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the father of the detenu, as petitioner.

5. It is seen from the records that the detention order has been passed on 15-08-2015. It is an admitted fact that the period of detention order is one year.

6. Considering the fact that the period of detention has already been elapsed the relief sought in the petition has become infructuous and therefore, the present petition deserves to be dismissed.

7. In fine, this Habeas Corpus Petition is dismissed since the relief sought therein has already become infructuous.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

glp

To

1. The Principal Secretary to Government
Home, Prohibition and Excise (XVI) Department
Secretariat
Chennai - 600 009
2. The District Collector (Detention Officer)
and District Magistrate
Kirshnakiri
3. The Inspector of Police
Singarapettai Police Station
Kirshnakiri District
4. The Public Prosecutor
High Court, Madras.

सत्यमेव जयते

HCP No.832 of 2016

MP1 (CO)
Eu 04/09/2016

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