

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2016

CORAM:

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

H.C.P.No.840 of 2016

Sivanandam

... Petitioner

Vs.

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

2. The Commissioner of Police,  
Greater Chennai Police

... Respondents

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 second respondent dated 01.04.2016 in Memo No.382/BCDFGISSSV/2016, against the petitioner son Vinoth, male, aged 27 years, S/o.Sivanandam, 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 : Mr.S.Senthilvel

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

ORDER  
(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 the records relating to detention order, dated 01.04.2016, passed in No.382/BCDFGISSSV/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Vinoth, Son of Sivanandam, and quash the same.

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

(1) T-4, Maduravoyal Police Station Crime No.95 of 2016, registered under Section 397 of the Indian Penal Code.

(2) T-4, Maduravoyal Police Station Crime No.100 of 2016, registered under Section 397 of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 12.2.2016, one Balakrishnan, son of Arumugam, as defacto complainant, has given a complaint against the detenu, in T-4, Maduravoyal Police Station and the same has been registered in Crime No.103 of 2016 under Sections 341, 294(b), 336, 427, 392, 397 and 506(ii) of the Indian Penal Code and ultimately prayed the detaining authority to invoke Act 14 of 1982 against the detenu.

4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect 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. The learned Additional Public Prosecutor has represented that the detention order in question has already been revoked by virtue of G.O.Rt.No.2257, dated 18.5.2016, by the Government and a copy of the same has been submitted for the perusal of the Court and this Court has perused the same and found that the detention order in question has already been revoked by the Government and therefore, the relief sought in the petition has become infructuous.

In fine, this habeas corpus petition is dismissed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

msh

To

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

<https://hcservices.ecourts.gov.in/hcservices/>

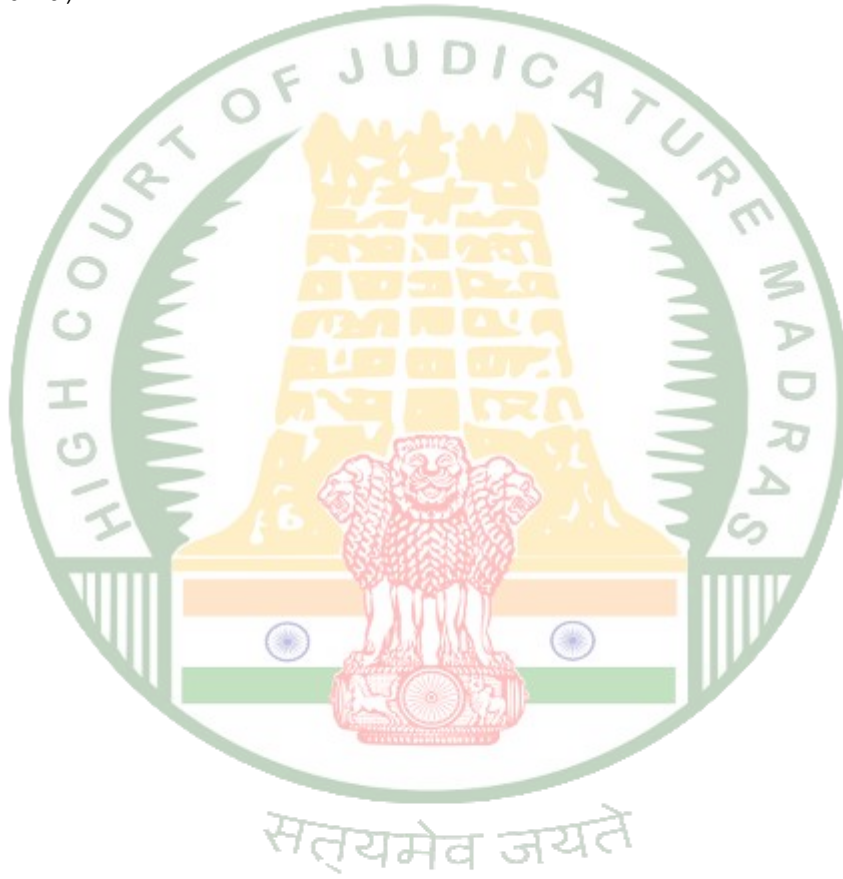
2. The Commissioner of Police,  
Greater Chennai Police

3. The Superintendent of Police,  
Central Prison, Puzhal-II,  
Chennai.

4. The Public Prosecutor,  
High Court, Madras.

H.C.P.No.840 of 2016

KSJ(CO)  
CA(29/09/2016)



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