

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.841 of 2016

Vasantha

... Petitioner

vs.

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

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-7

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records in connection with the order of detention passed by the 2nd respondent in his proceedings Memo No.292/BCDFGISSSV/2016, dated 14.3.2016, against petitioner's son namely Amar @ Amaran, son of Sundaram, aged 38 years, who is confined at Central Prison, Puzhal and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.I.Paul Noble Devakumar

For Respondents:Mr.V.M.R.Rajentren,A.P.P.

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 14.03.2016, passed in No.292/BCDFGISSSV/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Amar @ Amaran, Son of Sundaram, and quash the same.

<https://hcservices.ecourts.gov.in/hcservices/> 2. The Inspector of Police, N-3, Muthialpet 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 case:

(1) N-3 Muthialpet Police Station, Crime No.183 of 2015, registered under Sections 341, 294(b), 397 and 506(ii) of the Indian Penal Code.

(2) N-3 Muthialpet Police Station, Crime No.68 of 2016, registered under Sections 341, 294(b), 307, 336, 427 and 506(ii) of the Indian Penal Code.

(3) N-3 Muthialpet Police Station, Crime No.122 of 2015, registered under Sections 341, 294(b), 323, 384 and 506(ii) of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 27.2.2016, one Kumar Rajini, son of Venkatesh, as defacto complainant, has lodged a complaint against the detenu, in N-3, Muthialpet Police Station, Chennai and the same has been registered in Crime No.128 of 2016 under Sections 341, 294(b), 336, 427, 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 mother 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.2185, 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(J)

//True Copy//

Sub Assistant Registrar

To

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

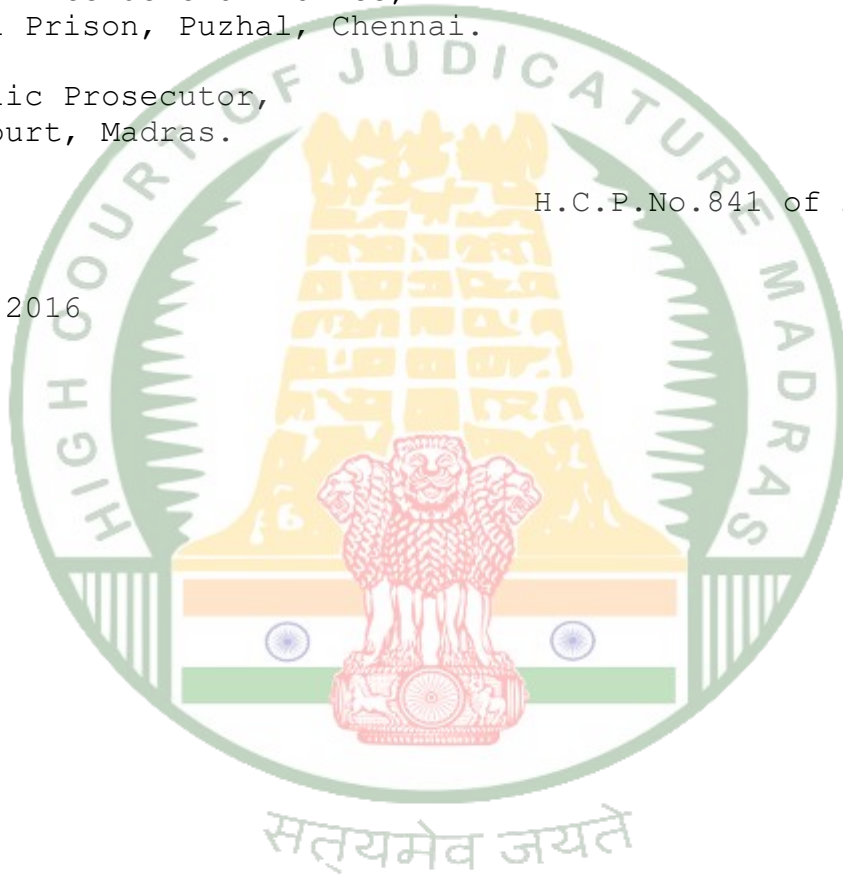
2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai-7

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

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.841 of 2016

pur co
kra 04.10.2016



WEB COPY