

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.848 of 2016

Mrs.Thulasi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep.by its Secretary to Government (Home),
Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The Commissioner of Police,
Office of the Commissioner of Police,
Goondas Section,
Vepery, Chennai-600 007
3. The Superintendent,
Central Prison-II,
Puzhal, Chennai-600 066

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus directing the respondents to produce the petitioner's husband Mr.Appu @ Giridharan, son of Anbu, a detenu, confined in Central Prison-I, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : No appearance

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 26.2.2016, passed in BCDFGISSSV No.197/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Appu @ Giridharan, Son of Anbu, and quash the same.

2. The Inspector of Police, Semmanchery 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) J-10 Semmanchery Police Station Crime No.737 of 2014, registered under Sections 147, 148, 341, 323, 397 and 506(ii) of the Indian Penal Code.

(2) J-10 Semmanchery Police Station Crime No.755 of 2014, registered under Sections 147, 148, 341, 294(b), 323, 392, r/w.397, 336, 427 and 506(ii) of the Indian Penal Code.

(3) J-10 Semmanchery Police Station Crime No.776 of 2014, registered under Sections 147, 148, 341, 294(b), 323, 324, 336, 427, 307 and 506(ii) of the Indian Penal Code.

(4) J-10 Semmanchery Police Station Crime No.1527 of 2014, registered under Sections 147, 148, 294(b), 341, 324, 307, 336, 427 and 506(ii) of the Indian Penal Code.

(5) J-10 Semmanchery Police Station Crime No.2880 of 2015, registered under Sections 384 and 506(ii) of the Indian Penal Code.

3. Further, it is averred in the affidavit that one Manikandan, son of Rajamani, as defacto complainant, has given a complaint against the detenu, in Semmancheri Police Station and the same has been registered in Crime No.95 of 2016 under Sections 341, 294(b), 307 read with Sections 397, 336, 427 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 wife of the detenu, as petitioner.

5. The learned counsel appearing for the petitioner is not present.

6. The learned Additional Public Prosecutor has represented that the detention order in question has already been revoked by virtue of G.O.Rt.No.2169, 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

msk

To

1. The Secretary to Government(Home),
Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The Commissioner of Police,
Office of the Commissioner of Police,
Goondas Section,
Vepery, Chennai-600 007
3. The Superintendent,
Central Prison-II,
Puzhal, Chennai-600 066
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.848 of 2016

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

सत्यमेव जयते
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