

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

CORAM:

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

H.C.P.No.866 of 2016

Indirani

... Petitioner

Vs.

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

2. The Commissioner of Police,
Chennai City Police
Commissioner Office,
Vepery, Chennai-600 007

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus, to call for the records relating to the impugned order in No.393/BCDFGISSSV/2016 dated 4.4.2016 on the file of second respondent herein and set aside the same as illegal and direct to the respondents to produce the detenu Elumalai @ Rajini Elumalai, son of Senkeni, aged about 47 years, now confined at Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

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 the detention order, dated 4.4.2016, passed in No.393/BCDFGISSSV/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Elumalai @ Rajini Elumalai, son of Senkeni, and quash the same.

detaining authority, wherein it is averred that the detenu has involved in the following adverse case:

(1) T.6, Avadi Police Station Crime No.411 of 2016, registered under Section 379 of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 23.3.2016, one Sundaramurthy, son of Narayanasami, as defacto complainant, has given a complaint against the detenu, in T.6 Avadi Police Station and the same has been registered in Crime No.522 of 2016 under Sections 341, 294(b), 336, 427, 392 r/w 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 wife of the detenu, as petitioner.

5. The learned Additional Public Prosecutor has represented that the detention order in question has been revoked by the Government of Tamil Nadu, by virtue of G.O.Rt.No.2258, dated 18.5.2016 and a copy of the same has been submitted for perusal and this Court has perused the same and ultimately found that the detention order in question has already been revoked by the Government.

6. Considering the fact that the detention order in question has already been revoked, 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

ajr

To

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

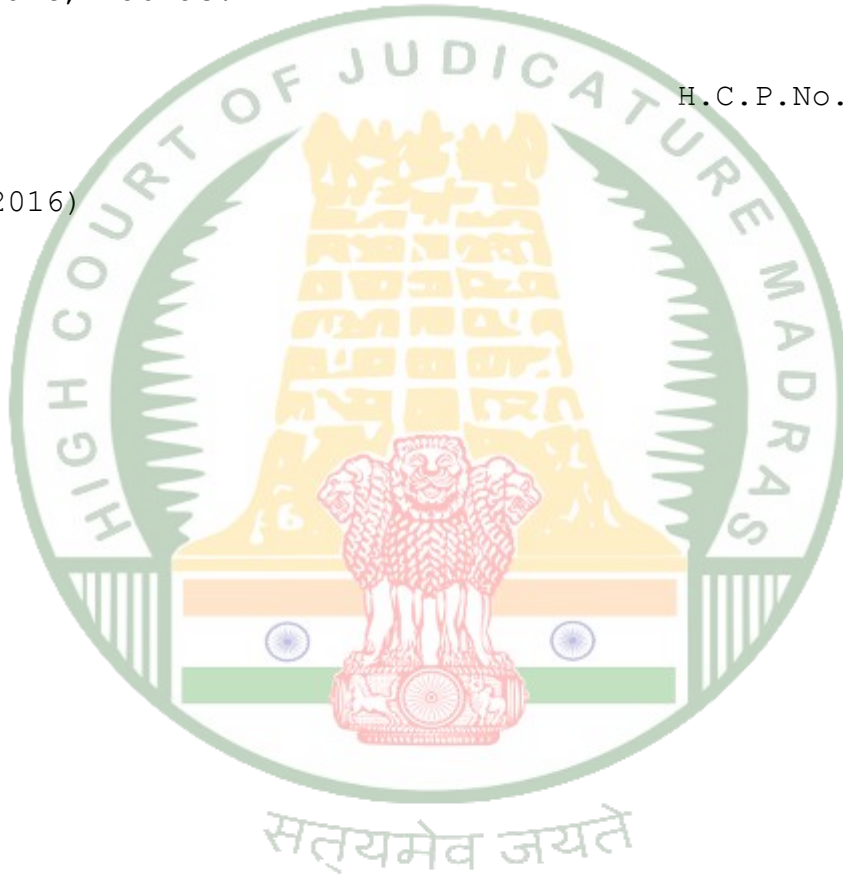
2. The Commissioner of Police,
Chennai City Police
Commissioner Office,
Vepery, Chennai-600 007

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

4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.866 of 2016

KSJ(CO)
CA(30/09/2016)



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