

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.867 of 2016

Karthika

... Petitioner

Vs.

1. The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009
2. The Commissioner of Police,
Chennai
Office of the Commissioner of Police (Goondas section)
Vepery, Chennai-600 007
3. The Superintendent,
Central Prison,
Puzhal, Chennai

.... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus, calling for the entire records connected with the detention order of the 2nd respondent in BCDFGISSV No.125/2016 dated 16.2.2016 and quash the same and direct the respondents to produce the body and person of the petitioner's husband, namely Sathish @ Sathishkumar, son of Vijayakumar, aged about 29 years detained in Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty forthwith.

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 16.2.2016, passed in No.125/BCDFGISSV/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Sathish @ Sathishkumar, son of Vijayakumar and quash the same.

2. The Inspector of Police, V.7 Nolambur Police Station, as sponsoring authority, has submitted an affidavit to the detaining authority, wherein it is averred that the detenu has already involved in the following adverse cases:

(1) V.7, Nolambur Police Station Crime No.309 of 2012, registered under Sections 341, 294(b), 324 and 506(ii) of the Indian Penal Code.

(2) V.7, Nolambur Police Station Crime No.1347 of 2012, registered under Sections 341, 324 and 506 (ii) of the Indian Penal Code.

(3) T.11 Thirunindravur Police Station Crime No.561 of 2015, registered under Section 379 of the Indian Penal Code.

(4) T.11, Thirunindravur Police Station Crime No.563 of 2015, registered under Section 379 of the Indian Penal Code.

3. Further, it is averred in the affidavit that one Sudalaimani, son of Muthaiah, as defacto complainant, has lodged a complaint against the detenu on 28.1.2016 in V.7, Nolambur Police Station and the same has been registered in Crime No.65 of 2016 under Sections 341, 294(b), 323, 392, 336, 397 and 506(ii) of the Indian Penal Code and ultimately requested 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 professional 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 been revoked by the Government of Tamil Nadu, by virtue of G.O.Rt.No.2328, dated 19.5.2016 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.

7. 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(CCC)

//True Copy//

Sub Assistant Registrar

ajr

To

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

H.C.P.No.867 of 2016

KSJ(CO)
CA(27/09/2016)

सत्यमेव जयते

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