

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.871 of 2016

Ponni

... Petitioner

Vs.

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

2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai
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 in connection with the order of detention passed by the second respondent dated 6.4.2016 in BDFGISSV No.400/2016 against the petitioner's nephew, the detenu Thiru Prakash @ Appala Prakash, s/o.Krishnan, aged about 37 years, now confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Hon'ble 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 6.4.2016, passed in No.400/BCDFGISSSV/2016, by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Prakash @ Appala Prakash, son of Krishnan and quash the same.

2. The Inspector of Police, H.1 Washermenpet 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) H.3 Tondiarpet Police Station Crime No.220 of 2016, registered under Sections 341, 294(b), 384 and 506(ii) of the Indian Penal Code.

(2) H.4 Korukkupet Police Station Crime No.214 of 2016, registered under Sections 341, 294(b), 323, 384 and 506(ii) of the Indian Penal Code.

(3) H.1 Washermenpet Police Station Crime No.277 of 2016, registered under Sections 341, 294(b), 323, 307, 336, 427 and 506(ii) of the Indian Penal Code.

3. Further, it is averred in the affidavit that one Siraji, son of Mustafa, as defacto complainant, has given a complaint against the detenu, in Washermenpet Police Station and the same has been registered in Crime No.279 of 2016 under Sections 341, 294(b), 323, 307, 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 aunt of the detenu, by name Ponni, wife of Jambu, 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 the Government of Tamil Nady, by virtue of G.O.Rt.No.2203, 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.

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(CS VI)

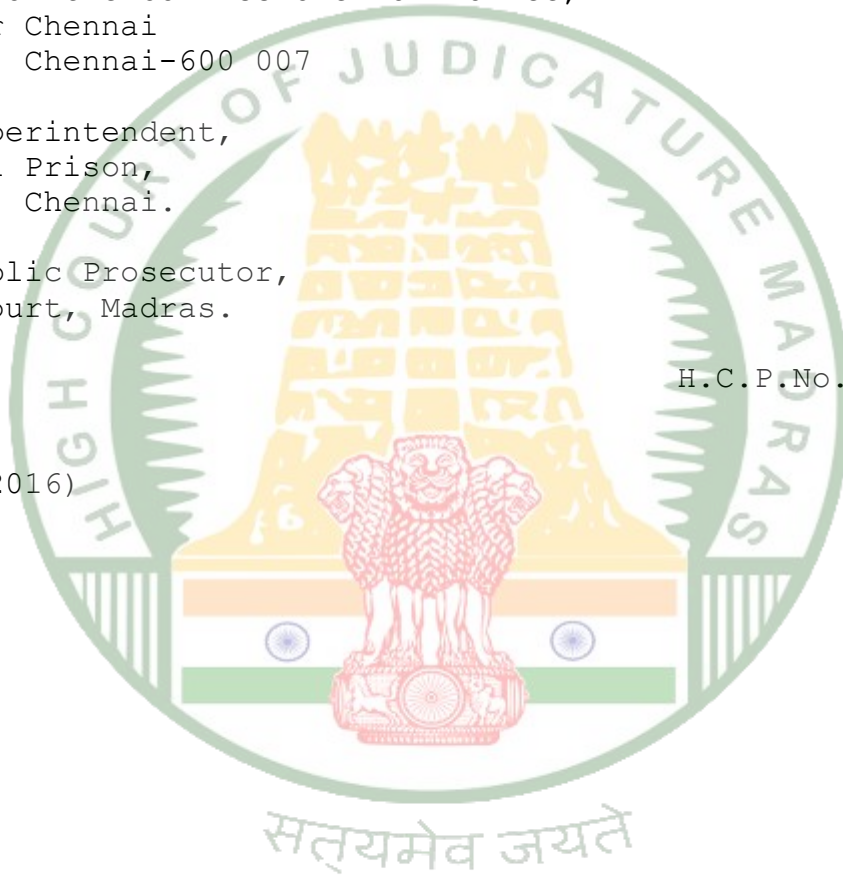
ajr

To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George
Chennai-600 009
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai
Vepery, Chennai-600 007
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.871 of 2016

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



WEB COPY