

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.918 of 2016

Ramesh .... Petitioner/father of the Detenu

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  
Salem City

3. The Superintendent  
Central Prison  
Salem 7

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus, call for the entire records leading to the detention of petitioner's son Vijay @ Vikki @ Vignesh, age 26 years, presently detained in Central Prison, Salem under Act 14/1982 as a GOONDA, vide the detention order dated 28.3.2016 in CMP No.18/Goonda/Salem City/2016 directing to produce body or the person of the detenu before this Hon'ble Court and thereafter set him at liberty from the Central Prison, Salem, by setting aside the above order.

For Petitioner : Mr.B.Vasudevan

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 28.3.2016, passed in CMP No.18/Goonda/Salem City/2016 by the detaining authority, who has been arrayed as second respondent herein, against the detenu, by name Vijay @ Vikki @ Vignesh, son of Ramesh and quash the same.

2. The Inspector of Police, Ammapet 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) Hasthampatty Police Station Crime No.74 of 2016, registered under Sections 147, 148, 307 IPC and Section 27 of Arms Act r/w Section 3 of Explosive Substance Act, 1908 @ into Sections 147, 148, 307 IPC r/w 120(b) IPC & Section 27 of Arms Act r/w Section 3 of Explosive Substance Act.

(2) Hasthampatty Police Station Crime No.75 of 2016, registered under Sections 147, 148, 307 IPC r/w Section 3 of Explosive Substance Act, 1908 @ into Sections 147, 148, 307 IPC r/w 120(b) IPC r/w Section 3 of Explosive Substance Act, 1908

3. Further, it is averred in the affidavit that one Yuvaraj, son of Selvaraj, as defacto complainant, has given a complaint in Ammapet Police Station against the detenu and the same has been registered in Crime No.93 of 2016 under Sections 147, 148, 392 r/w 397, 427 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 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 father of the detenu, as petitioner.

5. 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.2146, 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/-  
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

ajr

To

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

2.The Commissioner of Police  
Salem City

3. The Superintendent  
Central Prison Salem 7

4 The Joint Secretary to Government  
Public (Law & Order)  
Government of Tamil Nadu  
Fort. St. George, Chennai 9

5.The Public Prosecutor,  
High Court, Madras.

H.C.P.No.918 of 2016

CTR (CO)  
MD : 17/10/2016