

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.05.2016

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

and

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No. 933 of 2016

Devi .. Petitioner/Wife of the
detenue

Vs.

1. The Secretary to the Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009.

2.The Commissioner of Police
Chennai City .. 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 30.06.2015 in Memo No.505/BCDFGISSSV/2015 against the petitioner husband Saravanana@Mundakannu Saravanan, Male aged 25 years S/o. Vadivel, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him liberty.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.M.Maharaja

Addl. Public Prosecutor

O R D E R

[Order of the Court was made by G.CHOCKALINGAM, J.]

The petitioner, who is the wife of the detenu, Saravanan @ Mundakannu Saravanan, Son of Vadivel, aged about 25 years, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 30.06.2015 against his husband branding him as a "GOONDA" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral

Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. We have heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though, several grounds have been raised in this Habeas Corpus Petition, Mr.S.Senthilvel, the learned counsel appearing on behalf of the petitioner, had assailed the impugned detention order mainly on the ground that the detaining authority had stated, in Paragraph No.4 of the order of detention, that no bail application had been moved on behalf of the detenu, in N-2 Kasimedu Police Station Crime Nos.595 of 2015. However, in the detention order it had been stated that the relatives of the detenu are taking action to take him out on bail, in N-2 Kasimedu Police Station Crime No.595 of 2015, filing bail application before the appropriate Court.

4. It is noted from the records available, that no statements had been recorded from the relatives concerned to substantiate the claim that they are taking steps to move bail application, on behalf of the detenu, to take him out on bail, in the above said cases. In such circumstances, we find that there is non-application of mind on the part of the detaining authority, in passing the detention order. Therefore, we are inclined to set aside the detention order.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 30.06.2015 passed by the second respondent is set aside. The detenu is directed to be released, forthwith, unless his presence is required in connection with any other case.

-s/d-
सतराणेन न्याते
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

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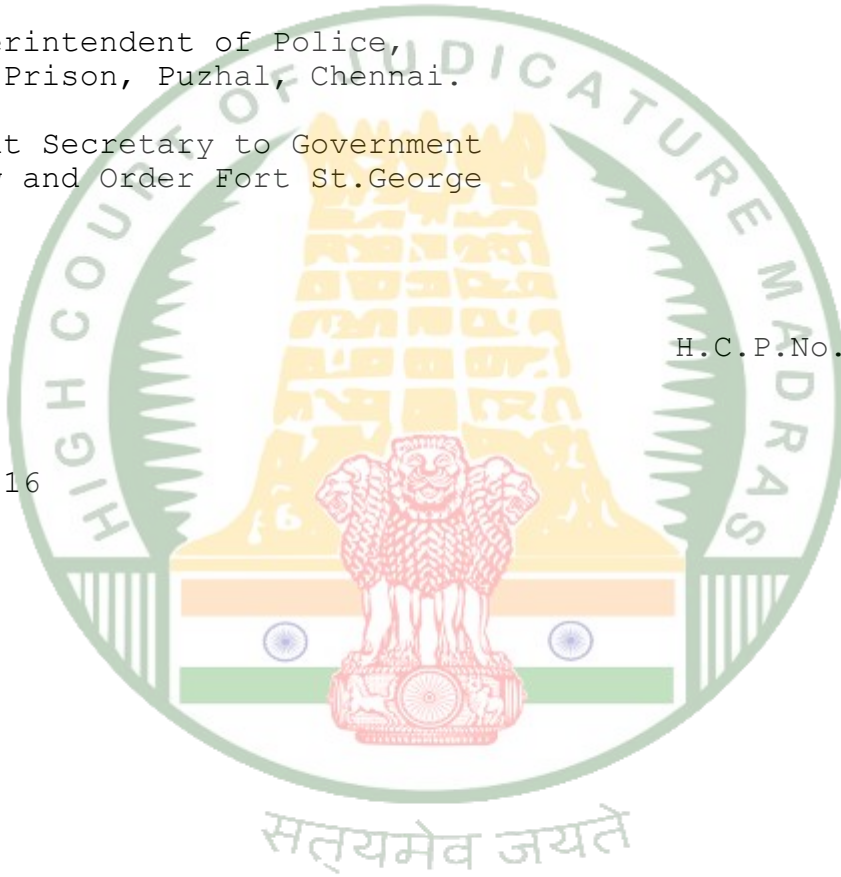
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To

- 1.The Secretary to Government
The State of Tamil Nadu,
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.
- 2.The Commissioner of Police
Chennai City.
- 3.The Additional Public Prosecutor
High Court, Madras.
- 4.The Superintendent of Police,
Central Prison, Puzhal, Chennai.
- 5.The Joint Secretary to Government
Public Law and Order Fort St.George
Chennai-9

H.C.P.No.933 of 2016

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