



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.01.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **P.R.SHIVAKUMAR**
and
THE HONOURABLE MR.JUSTICE **V.S.RAVI**

H.C.P(MD)No.1545 of 2015

K.Subramanian

.. Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Vickramasingapuram Police Station,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the detention order passed by the second respondent in M.H.S.Confdl.No.112/2015, dated 13.10.2015 and to quash the same and direct the respondents to produce the body of the detenu, Karthick, aged 24 years, S/o.Subramanian, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For petitioner

: Mr.S.R.A.Ramachandran

For Respondents

: Mr.A.Ramar

Additional Public Prosecutor

O R D E R

[Order of the Court was made by **P.R.SHIVAKUMAR, J.**]

The petitioner is the father of the detenu. The detenu has been detained by the second respondent by his order in M.H.S.Confdl.No.112/2015, dated 13.10.2015, holding him to be a

"Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982, taking note of the ground case in Crime No.222 of 2015 registered on the file of Vickiramasasingapuram Police Station for offences punishable under Sections 147, 148, 294(b) and 506(ii) of the Indian Penal Code and the following three adverse cases:-

(i). Crime No.92 of 2014 registered on the file of Kallidaikurichi Police Station for an offence punishable under Section 392 of the Indian Penal Code;

(ii). Crime No.212 of 2015 registered on the file of Vickiramasasingapuram Police Station for an offence punishable under Section 379 of the Indian Penal Code; and

(ii). Crime No.216 of 2015 registered on the file of Ambasamudram Police Station for offences punishable under Sections 457 and 380 of the Indian Penal Code;

2. The Detaining Authority, expressing subjective satisfaction that the detenu conformed to the definition of "Goonda" and that his presence at large would be prejudicial to the maintenance of public order and also expressing subjective satisfaction that it was very likely that the detenu would come out on bail in the ground case, passed the impugned detention order. The said order is challenged in the present Habeas Corpus Petition.

3. Though a number of grounds have been raised assailing the order of detention, the learned counsel for the petitioner mainly relies on the contention that though in English version, the name of the detenu has been mentioned correctly as "Karthick, aged 24 years, S/o.Subramanian", in Tamil version of the grounds of detention in Paragraph No.2, the name of the detenu has been wrongly mentioned as "கண்ணன் மகன் திரு.முத்துசெல்வம்", which shows total non-application of mind on the part of the Detaining Authority.

4. The submissions made by the learned Additional Public Prosecutor in reply to the above said contentions raised by the learned counsel for the petitioner are also heard.

5. The name of the detenu, as per the typed set of papers filed by the petitioner, is Karthick, aged 24 years, S/o.Subramanian. As rightly contended by the learned counsel for the petitioner, in Tamil version of the grounds of detention in Paragraph No.2, the name of the detenu has been wrongly mentioned as "கண்ணன் மகன் திரு.முத்துசெல்வம்", which shows total non-application of mind on the part of the Detaining Authority. On that score alone, the order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the Order of Detention dated 13.10.2015, made in M.H.S.Confdl.No.112/2015, passed by the second respondent, the District Collector and District Magistrate, Tirunelveli



District, Tiruenelveli and directs the release of the detenu, by name Karthick, aged about 24 years, S/o.Subramanian forthwith, if his continued custody is not authorised in specific cases or by any other detention order.

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/True copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

NB

To:

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
Tirunelveli District, Tirunelveli.
- 3.The Superintendent Central Prison, Palayamkottai.
- 4.The Joint Secretary to Government
Public (Law & Order) Department,
Fort.St.George Chennai-9
- 5.The Inspector of Police,
Vickramasingapuram Police Station, Tirunelveli District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.R.A.Ramachandran, Advocate SR NO.166

ORDER MADE IN
H.C.P (MD) No.1545 of 2015
04.01.2016

rg.GSV-AN 22.01.2016 3P/8C