



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

H.C.P. (MD) No.1102 of 2016

S.Kaliammal : Petitioner

Vs.

State represented by
1.The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat,
George Fort,
Chennai-600 009.

2.The Commissioner of Police,
Madurai District,
Madurai.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, to call for the records on the file of the second respondent in Detention Order No.35/BCDFGISSSV/2016, and set aside the order of detention passed therein dated 21.06.2016, direct the respondents to produce the detenu, by name Muniyasamy, aged 18 years, son of Shanmugavel, before this Court, now detained at Borstal School, Pudukottai and set him at liberty forthwith.

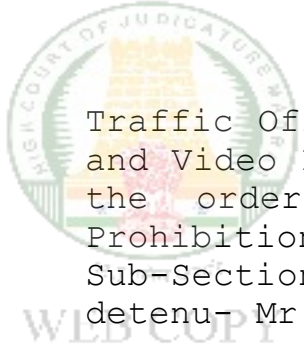
For Petitioner : Mr.J.William Christopher

For Respondents : Mr.T.Mohan,
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

What is under challenge in this Habeas Corpus Petition is a Detention Order made under Section 3(1) of 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), read with the order issued by the Government in G.O.(D).No.67, Home Prohibition and Excise (XVI) Department, dated 18.04.2016, under Sub-Section (2) of Section 3 of the said Act, detaining the detenu- Mr.Muniyasamy, branding him as a 'sexual offender'.

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

3. This is a case of gang rape. Five persons had abducted a young girl and raped her one after the other. With a view to prevent these accused from indulging in similar activities and feeling that under ordinary law, their activities cannot be curtailed, the impugned order of detention has been made. In this petition, the learned counsel for the petitioner would submit that a representation was made by the detenu questioning the correctness of the order, but the same has not been considered. But, as of now, there is no material on record to show that any such representation was made. Apart from that, a perusal of the impugned detention order would go to show that the authority has considered all the relevant materials and only on getting satisfied that it is a fit case, where such detention order is to be passed, the Detaining Authority has passed the order. A perusal of the detention order would go to show that there is no infirmity at all in the said order, warranting interference at the hands of this Court. Therefore, we find no reason to interfere in the said order. The Habeas Corpus Petition is, therefore, dismissed.

Sd/-

Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1.The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat,
George Fort,
Chennai-600 009.

2.The Commissioner of Police,
Madurai District,
Madurai.

3.The Additional Public Prosecutor,
<https://hcservices.ecourts.gov.in/hcservices/>
Madurai Bench of Madras High Court,
Madurai.



4.The Superintendent,
Central Prison,
Madurai.

5.Borstal School, Pudukottai

sml

sm:SKS-RR:15/11/2016:3P/6C

Order made in
H.C.P. (MD) No.1102 of 2016
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