

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2017

Coram

THE HON'BLE MR.JUSTICE RAJIV SHAKDHER
&
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.1599 of 2017

Jamuna

... Petitioner

Vs.

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi-100 001.
2. The Secretary to Government,
Rajnivas, Puducherry.
3. The District Magistrate,
I Floor, Revenue Complex,
Saram, Puducherry-605 013.

... Respondents

* * *

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the relating to the detention order in No.16/DM/RO/D2/PPASAA/2017, dated 13.08.2017, passed by the third respondent under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010) and set aside the same and direct the respondent to produce the petitioner's husband Jana @ Janarthanan, S/o.Abimannan, aged about 29 years, the detainee, now confined in Central Prison, Kalapet, Puducherry, before this Court and set the petitioner's son Jana @ Janarthanan, S/o.Abimannan, aged about 29 years the detainee herein at liberty.

* * *

For Petitioner : Mr.D.Gopikrishnan
For 1st Respondent : Mr.S.Arockiam, CGSC.
For Respondents 2 & 3 : Mr.V.Balamurugane,
Addl. Public Prosecutor
(Puducherry)

O R D E R

(Order of the Court was made by RAJIV SHAKDHER, J)

1. This is a petition, which seeks to challenge the detention order dated 13.08.2017.

2. Notice in this petition was issued on 30.08.2017, despite which, no counter affidavit has been filed to date. Therefore, the assertions made in the petition have remain untraversed.

3. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Puducherry) and examined the record as well.

4. Though, twenty three (23) adverse cases have been noted qua the detenu, what has impelled us to quash the impugned detention order is the fact that while, the detenu was arrested on 18.05.2017, the detention order was passed nearly three (3) months later, i.e., on 13.08.2017. There is no reference to the date of arrest in the detention order. We have gleaned the date of arrest from the remand requisition dated 19.05.2017 appended in the paper-book.

4.1. Furthermore, we may also note that, while, in paragraph 6 of the impugned order, it is noted that the detenu has filed bail petition in Crime No.1631 of 2017 in Crime No.40 of 2017, status of bail petition has not given as to whether or not it is pending or has been rejected.

5. As a matter of fact, vide order passed today, i.e., 10.11.2017, in H.C.P.No.1598 of 2017, we have quashed the detention order pertaining to the co-detenu/co-accused.

6. For all these reasons, we are inclined to quash the impugned order. It is directed accordingly.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.16/DM/RO/D2/PPASAA/2017, dated 13.08.2017, passed by the third respondent is set aside. The detenu, namely, Jana @ Janarthanan, S/o.Abimannan, male, aged about 29 years, is directed to be released forthwith unless his detention is required in connection with any other case. Given the nature of the case, this order will be communicated to the concerned Jail Superintendent by the Registrar General of this Court via Fax.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of India,
Ministry of Home Affairs,
Department of Internal Security,
North Block, New Delhi-100 001.
2. The Secretary to Government,
Rajnivas, Puducherry.
3. The District Magistrate,
I Floor, Revenue Complex,
Saram, Puducherry-605 013.
4. The Superintendent,
Central Prison, Kalapet, Puducherry.
5. The Public Prosecutor (Puducherry),
Madras High Court.
6. The Joint Secretary to Govt.
Public (law & Order) Dept.,
Secretary Chennai 9

+1 C.C. to M/S.V.YUVARAJ Advocate SR.NO. 79957
+1 C.C. to M/S.AROCKIAM, CGSC SR.NO. 79754

H.C.P.No.1599 of 2017

T.R (10/11/2017)

सत्यमेव जयते

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