

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.05.2017

CORAM:
THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE R.MAHADEVAN
Habeas Corpus Petition No.285 of 2017

R.Srinivasan

.. Petitioner/Father of the
detenue

Vs.

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
 - 2.The District Collector and District Magistrate,
Kancheepuram District.
Kancheepuram.
- .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order passed by the second respondent dated 31.01.2017 in Memo BCDFGISSSV No.09/2017 against the petitioner's son Dhinesh @ Dhineshkumar, S/o. Srinivasan, male, aged about 28 years, who is now confined at Central prison, Puzhal, Chennai and set aside the same and direct the respondents to produce him before this Court and set at liberty.

For Petitioner : Mr.S.Swamidoss Manokaran,

For Respondents : Mr.E.Raja,
Addl. Public Prosecutor

WEB COPY
O R D E R
[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the father of the detenu Dhinesh @ Dhineshkumar, S/o. Srinivasan, male, aged about 28 years, has come forward with this Writ of Habeas Corpus Petition seeking to quash the detention order in Memo BCDFGISSSV No.09/2017 passed by the second respondent, dated 31.01.2017, against his son

branding him as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2.The learned counsel for the petitioner would contend that in as much as, no bail applications have been filed in connection with the case pending against the detenu, it cannot be stated by the detaining authority that the detenu would come out on bail. Secondly, the learned counsel would contend that in similar cases relied upon, one involving a default order granted, having gross violation of statutory period while filing the charge sheet.

4.We find force in the submissions made in respect of both grounds by the learned counsel for the petitioner. Admittedly, the similar case particulars relied upon by the detaining authority is one, involved in non-filing of charge sheet within the mandatory period. Therefore, according to the detaining authority, by extending the said benefit, the detenu may also come out on bail.

5.In our considered view, the said satisfaction arrived at by the detaining authority reflects total non application of mind. Hence, the detention order is liable to be quashed.

6.In the result, the Habeas Corpus Petition is allowed and the detention order dated 31.01.2017, passed by the second respondent, is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(CS II)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

cla/sts

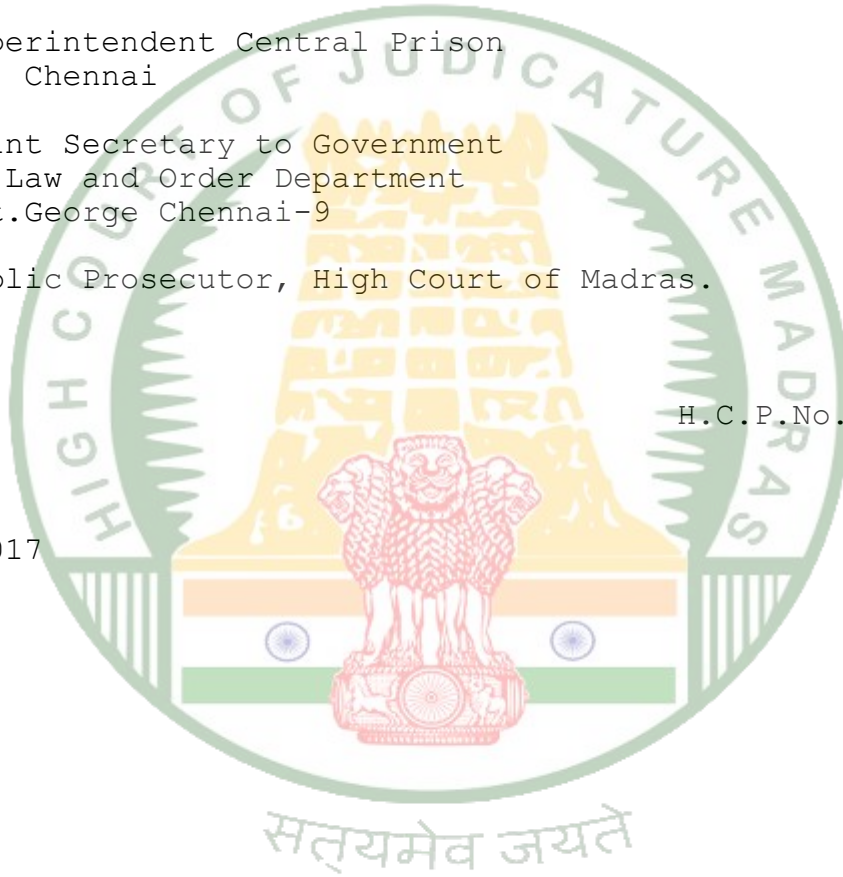
WEB COPY

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Kancheepuram District.
Kancheepuram.
3. The Superintendent Central Prison
Puzhal, Chennai
4. The Joint Secretary to Government
Public Law and Order Department
Fort St.George Chennai-9
5. The Public Prosecutor, High Court of Madras.

H.C.P.No.285 of 2017

nmi (co)
aa15/06/2017



WEB COPY