

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN
and
THE HONOURABLE MR.JUSTICE S.BASKARAN

H.C.P No.327 of 2017

Lakshmi

.. Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector & District
Magistrate, Vellore District, Vellore 9. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 19.02.2017 in C3.D.O.No.21/2017 against the petitioner's husband, Ravi, S/o.Ponnuswamy, who is confined at Central Prison, Vellore, and to set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji
For respondents: Mr.V.M.R. Rajentren,
Addl. Public Prosecutor

सतयमेव जयते
O R D E R

(Order of the Court was made by M.V.Muralidaran, J.,)

The petitioner, who is the wife of the detenu Ravi, has come up with this habeas corpus petition, challenging the detention order passed against her husband by the second respondent, vide proceedings C3.D.O.No.21/2017 dated 19.02.2017.

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

3. The learned counsel for the petitioner would focus his argument mainly on the ground that though the detenu is stated to be involved in three adverse cases, there is no similar case particulars furnished in respect of the adverse cases and only in respect of the ground case, the similar case particular has been furnished. Thus, according to the learned counsel, the Detaining Authority had come to the conclusion that there were real possibility of the detenu coming out on bail in the adverse cases.

4. We find some force in the said argument. On perusal of the records, it would go to show that there is no material upon which, the detaining authority had come to the conclusion that there was real possibility of the detenu coming out on bail in the adverse cases.

5. In such view of the matter, as rightly contended by the learned counsel for the petitioner, serious prejudice would have been caused to the detenu in making effecting representation to the authorities against the order of detention .

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order dated 19.02.2017 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registra

sra

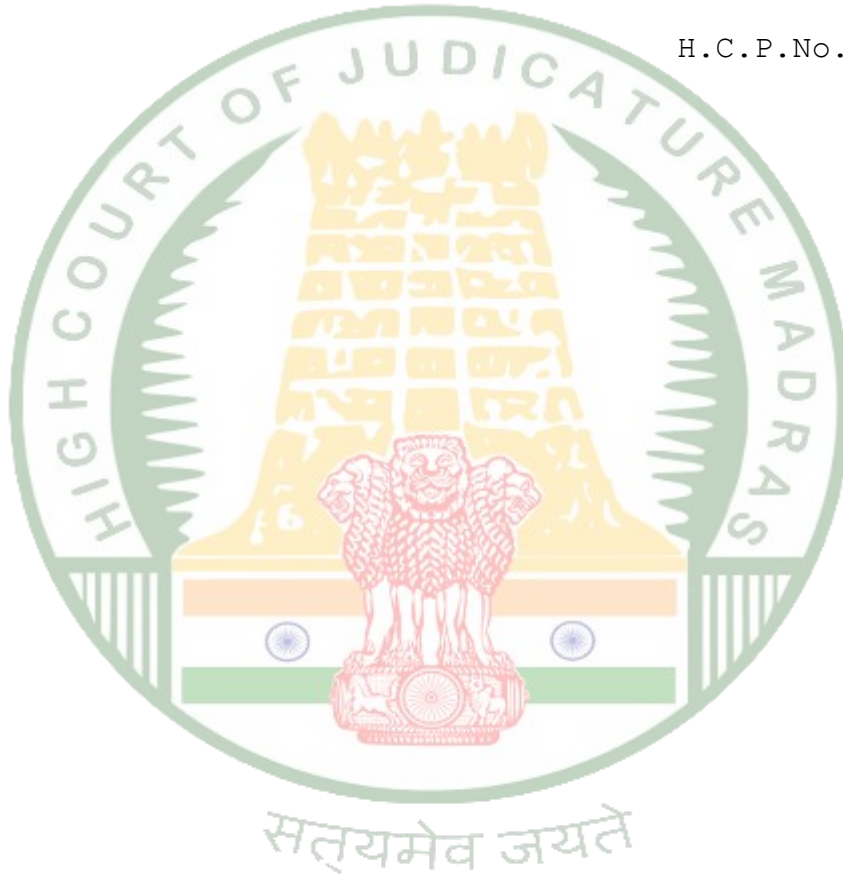
To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009
2. The District Collector & District
Magistrate, Vellore District, Vellore 9.

3. The Superintendent, Central Prison, Vellore
4. The Joint Secretary to Government
Public(Law & Order)
Fort. St. George
Chennai 9
5. The Public Prosecutor, High Court, Chennai.

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