

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN

H.C.P.No.401 of 2017

Thankammal
W/o.Palaniappan

.. Petitioner

Vs.

The State Represented by its

1.The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 9.

2.The Commissioner of Police,
Salem City,
Salem.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention dated 21.01.2017 passed by the 2nd respondent in C.M.P.No.3/Goonda/Salem City/2017 quash the same and produce the detenu, Gopi @ Gopinath aged about 26 years, S/o.Palaniappan, before this Court and set him at liberty and the detenu now confined in Central Prison, Salem.

For Petitioner : Mr.M.Mohammed Saifulla for
M/s.D.Mario Johnson

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

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is mother of the detenu, has come forward to file this petition challenging the order of detention dated 21.01.2017, passed by the second respondent.

2. The learned counsel for the petitioner made only one submission that though the detention order proceeds to state that steps are being taken by the relatives of the detenu to file the bail application, the said statement is bereft of requisite particulars.

3. Heard the submissions of the learned Additional Public Prosecutor appearing for the respondents.

4. In such view of the matter, we are inclined to set aside the detention order on the ground of non-application of mind, as no particular of the relatives is indicated.

5. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 21.01.2017 is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vsm

To

1.The Secretary,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The Commissioner of Police,
Salem City,
Salem.

3.The superintendent,Central Prison,Salem

4.The Joint Secretary to Government,PUBLIC(Law & Order)
Fort St.George,Chennai-9.

5.The Public Prosecutor,
Madras High court, Chennai.

+1cc to Mr.M.Mohamed Saifulla,Advocate sr.37774

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rj (co)
ss(5/6/2017)