

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.487 of 2017

Sabeer,
S/o.Iqbal

.. Petitioner

Vs.

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2. The District Collector and
District Magistrate,
Vellore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in connection with the order of Detention passed by the second respondent dated herein 20.12.2016 in C3.D.O.No.86/2016 against the petitioner Sabeer, male aged 24 years Son of Iqbal, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.Senthilvel for M/s.D.Balaji
For Respondents : Mr.E.Raja,
Addl. Public Prosecutor

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

The petitioner, who is the detenu seeking to quash the detention order dated 20.12.2016 on the sole ground that the Detaining Authority has not discussed about the remand of the petitioner in all other adverse cases except the ground case, in which bail application is pending.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. A perusal of the order of the Detaining Authority would show that the aforesaid aspect has not been looked into. There is no dispute that the petitioner is under judicial custody in all other adverse cases. If this aspect had been taken note of by the Detaining Authority he would not have passed the detention order, as there may not be imminent possibility of the petitioner coming out on bail.

4. In such view of the matter, we are inclined to set aside the detention order dated 20.12.2016.

5. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 20.12.2016 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 VIII)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The District Collector and
District Magistrate,
Vellore District.
3. The Superintendent , Central Prison
Vellore
4. The Joint Secretary to Government
Public(Law and order)
Fort. St. George
Chennai 9

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

H.C.P.No.487 of 2017

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