

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.1832 of 2016

S. Vijayakumar @ Vijay

.. Petitioner

Vs

1. The Secretary to Government,
Prohibition & Excise Department,
Secretariat, Fort St. George,
Chennai - 9

2. The Commissioner of Police,
Detaining Authority,
Coimbatore City,
Coimbatore

3. The Inspector of Police,
Law & Order,
E-2, Peelamedu Police Station,
Coimbatore City,
Coimbatore

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution
of India to issue a writ of Habeas Corpus of any other writ of direction

to call for the records relating to the order of detention against the petitioner in C.No.25/G/IS/2016, dated 01.06.2016 on the file of the 2nd respondent herein and quash the said order and directing the respondents to produce the body of the petitioner viz., S. Vijayakumar @ Vijay, aged about 24 years, S/o Shanmugam, now confined at Central Prison, Coimbatore.

For Petitioner : Mr.G. Karthikeyan

For respondents : Mr.V.M.R. Rajentren
Addl. Public Prosecutor

ORDER

(Order of the Court was made by **S. NAGAMUTHU,J.,**)

The petitioner has come up with this petition, challenging the detention order made by the second respondent by its Proceedings in C.No.25/G/IS/2016, dated 01.06.2016, branding of Mr.S. Vijayakumar @ Vijay, aged about 24 years, as "Goonda" under Sec.3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootlegers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum, Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

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

3. A perusal of the impugned order would go to show that the detaining authority has come to the conclusion that recourse to normal criminal law would not have the desired effect of effectively preventing him from indulging in such activities prejudicial to the maintenance of public peace and public order.

4. In order to come to this conclusion, we find no material at all on record. The case in Cr.No.266/2016 is a case of murder and there is no material to even infer that the occurrence in the said case has disturbed the public peace and order.

5. In such view of the matter, in our considered view, the above conclusion arrived at by the detaining authority is not based on sound reason and thus, the impugned detention order dated 01.06.2016, passed by the second respondent is liable to be set aside.

Accordingly, the same is set aside. The Habeas Corpus Petition is allowed. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

(S.N.J.,) (A.S.M.J.,)
13-03-2017

Speaking/Non speaking

Index : Yes/no

Internet : Yes/no

sr

To

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Chennai - 9
2. The Commissioner of Police,
Detaining Authority,
Coimbatore City,
Coimbatore
3. The Inspector of Police,
Law & Order,
E-2, Peelamedu Police Station,
Coimbatore City,
Coimbatore
4. The Public Prosecutor, High Court, Chennai.

S.NAGAMUTHU,J.
And
ANITA SUMANTH,J.,

sr

Order
in
H.C.P.No.1832 of 2016

13.03.2017