

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2017

CORAM

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

H.C.P No.1843 of 2016

Tamilselvi

...Petitioner/Wife of the detenue

Vs

1.The State of Tamil Nadu,
rep by its Secretary to Government, Home,
Prohibition and Excise Department,
Chennai - 600 009

2. The Commissioner of Police,
Vepery,
Chennai - 600 007

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue an Order, direction or writ in the nature of a Writ of Habeas Corpus to call for the records relating to the detenu's detention order passed by the second respondent in his Order No.895/BCDFGISSSV/2016 dated 12.08.2016 approved by the first respondent and set aside the same and produce the detenu Kuberan, male aged 33 years, S/o Subramani, now detained in Central Prison, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.C. Chellappan

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

ORDER

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

This petition has been filed by the petitioner challenging the detention order made by the second respondent detaining one Mr.Kuberan, S/o Subramani under Act 14 of 1982 branding him as as a " Drug Offender" 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. We have heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for State and perused the records carefully.

3. We perused the records including the typed set of papers along with the petition, which would go to show that the detaining authority has satisfied that the detenu was an accused in Cr.No.787/2016 under Secs.419 and 379 IPC. The case was later altered into under Sections 419, 365, 395 and 120(b) IPC. According to the allegations, the accused had committed theft of a container lorry, bearing Registration No.TN 04 AB 5765. During further investigation, it came to light that he had committed offences under Secs.9A r/w 25A and 29 of NDPS Act.

4. Having considered all the materials, the detaining authority had come to the conclusion that the detenu is a Drug Offender in terms of Sec.2(e) of Tamil Nadu Act 14 of 1982. The detaining authority, after applying his mind, had further come to the conclusion that there was real possibility of the detenu coming out on bail in the said case. This conclusion of the detaining authority was found on the fact that in a similar case, bail was granted by the Court for some other accused. The detaining authority has further held that in order to prevent the detenu from committing similar offences, the recourse to ordinary law would not suffice. In the said conclusion arrived at by the detaining authority in respect of subjective satisfaction, we find no infirmity. Thus we find no valid ground at all in this habeas corpus petition so as to set aside the detention order. Accordingly, the detention order deserves to be confirmed and the habeas corpus petition is dismissed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sr

To

1.The Secretary to Government, Home,
State of Tamil Nadu,
Prohibition and Excise Department,
Chennai - 600 009

2. The Commissioner of Police,
Vepery,
Chennai - 600 007

3. The Public Prosecutor, High Court, Madras

HCP No.1843 of 2016

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ss(5/5/2017)



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