

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM

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

H.C.P.No.1927 of 2016

Tmt.Kaleeswari

.. Petitioner

vs.

1. State of Tamil Nadu,
represented by its Secretary to the Government,
Home, Prohibition & Excise Department,
Fort St George, Chennai 600 009.

2.The Commissioner of Police
Greater Chennai,
Commissioner's Office,
Egmore, Chennai-08.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the records of the detention Order No.791/BCDFGISSV/2016 dated 28.07.2016 on the file of the second respondent and quash the same and direct the respondents herein to produce the body of the detenu Dhanraj, S/o Dharmaraj, detained in Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner सत्यमेव जयते Mr.L. Infant Dinesh

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

ORDER

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

The petitioner, who is the Mother of the detenu Dhanraj, S/o Dharmaraj, aged about 22 years, has come forward with this petition challenging the detention order passed by the second respondent dated 28.07.2016 against her son branding him as a "Goonda" 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, learned Additional Public Prosecutor for the State and have perused the records carefully.

3. Though many grounds have been raised in the petition, Mr.L.Infant Dinesh, the learned counsel appearing for the petitioner, confines his argument only in respect of non-application of mind on the part of the detaining authority in passing the order of detention.

4.Learned counsel appearing for the petitioner submitted that in the English version of the detention order, it is stated that on 08.07.2016 one Mr.Muthukumar went to the bus stop with Rs.4,600/- and at that time, the detenu threatened him at knife point and snatched the said sum of Rs.4,600/-. But, in the Tamil version of the detention order, it is stated that one Mr.Muthukumar went to the bus stop and at that time the detenu threatened him at knife point and snatched a sum of Rs.4,500/-. Thus there is a total variation between the English version and Tamil version. The learned counsel also submitted that this has not been considered by the detaining authority.

5. In our considered view, this would really reflect the non application of mind on the part of the detaining authority. Hence, we have no hesitation in quashing the order of detention on the above mentioned ground.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in No.791/BCDFGISSV/2016 dated 28.07.2016 passed by the 2nd respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sr

To

1. The Secretary to the Government,
State of Tamil Nadu
Home, Prohibition & Excise Department,
Fort St George, Chennai 600 009.

2. The Commissioner of Police
Greater Chennai,
Commissioner's Office,
Egmore, Chennai-08.

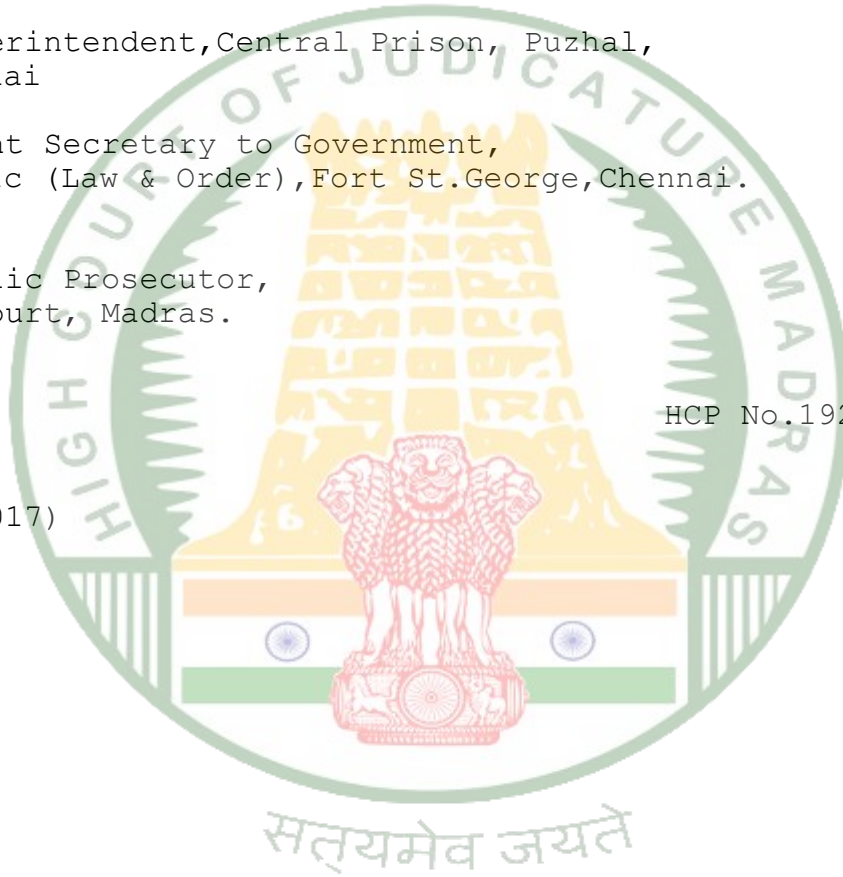
3. The Superintendent, Central Prison, Puzhal,
Chennai

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

5. The Public Prosecutor,
High Court, Madras.

HCP No.1927 of 2016

rv(co)
ss(20/4/2017)



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