

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.2104 of 2016

Aameena

... Petitioner

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 a Writ, order or Direction in the nature of a Writ of Habeas Corpus directing the respondents to produce the petitioner's daughter Parveen Taj, D/o Mohammed Ishaq, female, aged about 26 years, now detained at Special Prison for Women, Chennai, before this Court and set her at liberty.

For Petitioner : Mr.C.C.Chellappan

For respondents : Mr.V.M.R. Rajendran
Additonal Public Prosecutor

ORDER

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

The petitioner is the mother of one Parveen Taj, aged about 26 years, D/o Mr.Mohammed Ishaq has come forward with this petition challenging the detention order passed by the second respondent dated 02.04.2016 against her daughter branding her as a "Immoral Traffic Offender" under Sec.3 of 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 State and perused the records carefully.

3. A perusal of the grounds raised in this Habeas Corpus Petition would go to show that the petitioner has not made out any valid ground for consideration. It is submitted by the learned counsel for the petitioner that a case in Cr.No.29/2016 has been registered against the detenue falsely.

4. We cannot go on investigation to find out as to whether it is a false case and it is for the Investigating Officer and for the trial Court to decide. It is also contended that there was no bail application pending, seeking bail for the detainee. But the detention order would state that a petition in CrI.M.P.No.796 of 2016 was filed and the same is pending. Thus, this ground is also not in favour of the petitioner. There is no other ground raised.

5. On a perusal of the impugned order would go to show that the detaining authority had applied his mind thoroughly and only after having satisfied that the detainee was an Immoral Traffic Offender and in order to prevent her indulging in similar activities which is prejudicial to the maintenance of public health and public order, her detention is absolutely necessary, passed the detention order. Therefore, we find no merits in this Habeas Corpus Petition. The petition is dismissed.

(S.N.J.,) (A.S.M.J.,)
21-03-2017

Speaking Order/non-speaking order
Index : Yes/no
Internet : Yes/no

sr

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

sr

1. The Commissioner of Police,
Chennai
2. The Inspector of Police,
S-15, Selaiyur Police Sttion,
Selaiyur, Chennai – 600 073
3. The Public Prosecutor, High Court, Chennai

HCP No. 2104 of 2016

21-03-2017