

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM
AND
THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.2342 of 2016

Neela @ Neelakandan

... Petitioner

vs.

1. The Commissioner of Police,
Greater Chennai Police,
Egmore,
Chennai-600 008
2. The Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records in BCDFGISSSV Memo No.977 of 2016, dated 27.8.2016, on the file of the first respondent, Commissioner of Police, Greater Chennai Police and quash the detention passed in the above said memo and to set at liberty the petitioner, viz., Neela @ Neelakandan, male, aged about 27 years, son of M.Muthu, residing at D.No.17, Periyar Nagar, IV Street, Irrumbuliyur, West Tambaram, Chennai-600 045, now lodged at Central Prison, Puzhal, Chennai-600 066.

For Petitioner : Mr.S.Tamilmaran

For Respondents : Mr.V.M.R.Rajentren, Addl.P.P

ORDER

(Order of the Court was made by A.SELVAM,J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to call for the records relating to detention order, passed in BCDFGISSSV

No.977/2016, dated 27.8.2016, by the detaining authority, who has been arrayed as the first respondent herein, against the detenu, by name Neela @ Neelakandan, aged 27, son of Muthu, No.17, Periyar Nagar, IV Street, Irumbuliyur, West Tambaram, Chennai-600 045 and quash the same.

2. The Inspector of Police, Tambaram Police Station, as sponsoring authority, has submitted an affidavit to the detaining authority, wherein it is averred that the detenu has involved in the following adverse cases:

(1) S-11, Tambaram Police Station, Crime No.2177 of 2015, registered under Sections 294(b), 384 and 506(ii) of the Indian Penal Code.

(2) S-11, Tambaram Police Station, Crime No.2784 of 2015, registered under Sections 341, 294 (b), 323 and 506(i) of the Indian Penal Code.

(3) S-13, Chrompet Police Station, Crime No.2746 of 2015, registered under Sections 341, 294 (b), 336, 427, 392 read with Section 397 and 506(ii) of the Indian Penal Code.

(4) S-11, Tambaram Police Station, Crime No.2170 of 2016, registered under Sections 294(b), 323, 324, 506(ii) of the Indian Penal Code, altered into one under Sections 294(b), 323, 307 and 506(ii) of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 09.08.2016, one Manikandan has lodged a complaint in S-11 Tambaram Police Station against the detenu and the same has been registered in Crime No.2183 of 2016 under Sections 341, 294(b), 336, 427, 506(ii) and 392, 397 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982.

4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and he is in the habit of committing similar crimes one after another and accordingly derived subjective satisfaction and ultimately branded him as a 'Goonda' by way of passing the impugned detention order and in order to quash the same, the present petition has been filed.

5. The learned counsel appearing for the petitioner/detenu has sparingly contended to the effect that in the booklet, supplied to the petitioner/detenu, most of the documents are not legible and the same would affect the rights

of the detenu and therefore, the detention order in question is liable to be quashed.

6.Per contra, the learned Additional Public Prosecutor has contended to the effect that except few documents, the remaining documents are legible and therefore, nothing would happen to the detenu and under such circumstances, the present petition deserves to be dismissed

7.In fact, this Court has perused the booklet supplied to the petitioner/detenu, wherein, certain vital documents are not legible. Under the said circumstances, this Court is of the considered view that the detention order in question is liable to be quashed.

In fine this Habeas Corpus Petition is allowed. The detention order dated 27.08.2016, passed in BCDFGISSSV No.977 of 2016, by the detaining authority against the detenu, by name Neela @ Neelakandan, son of Muthu, is quashed and the respondents are directed to set him at liberty forthwith, unless he is required to be incarcerated in connection with some other case.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

msk

To

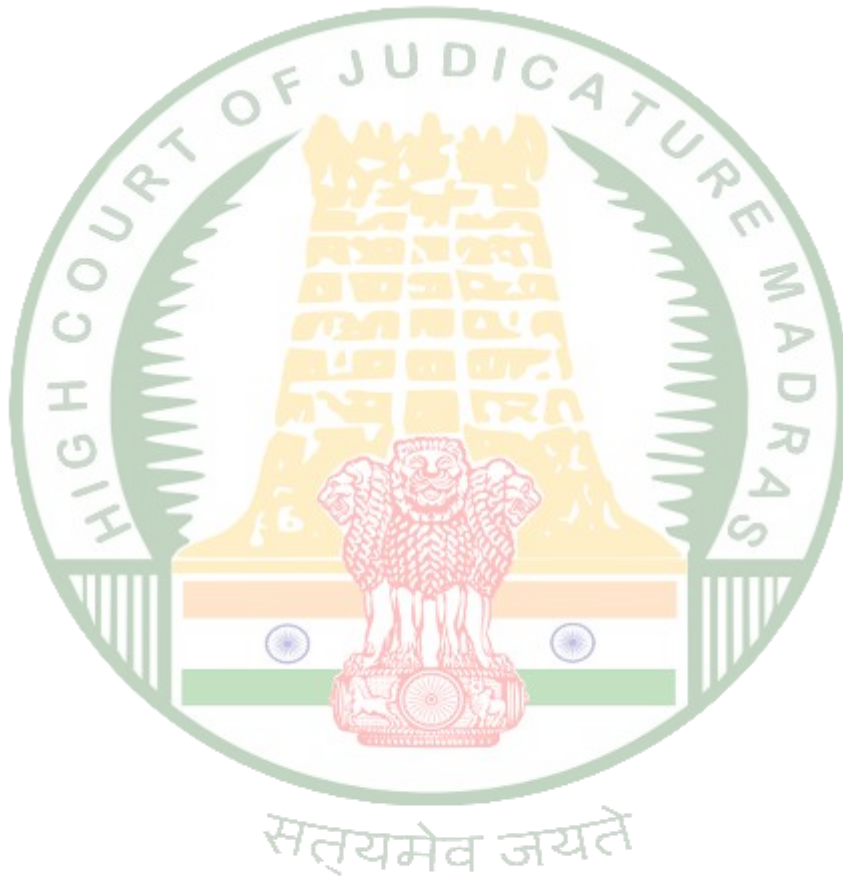
1. The Commissioner of Police,
Greater Chennai Police,
Egmore,
Chennai-600 008
2. The Secretary to the Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009
3. The Superintendent, Central Prison,
Puzhal, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Tamilmaran, Advocate Sr.48733

H.C.P.No.2342 of 2016

RJ(CO)
VR(13/07/2017)



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