

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 17.05.2017

Coram:-

The Honourable Mr. Justice M.M.SUNDRESH

and

The Honourable Mr. Justice R.SUBRAMANIAN

Habeas Corpus Petition No.2375 of 2016

A.Veeramani

... Petitioner

Vs.

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

2.The District Magistrate and the District Collector,
Namakkal, Namakkal District. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records in connection with detention order dated 17.09.2016 and made in C.M.P.No.32/Goonda/2016/M1 on the file of second respondent herein and set aside the same and direct the respondents herein to produce Appu @ Yuvaraj, Son of Veeramani, aged about 21 years, who is now confined in Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.V.R.Appaswamee

For Respondents: Mr.E.Raja,

Additional Public Prosecutor

O R D E R

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner is the father of the detenu by name Appu @ Yuvaraj, who has been detained by the 2nd respondent under the provisions of the Tamil Nadu Act 14 of 1982 branding him as a 'Goonda' by an impugned Detention Order dated 17.09.2016. Challenging the same, the petitioner is before this Court with

this Habeas Corpus Petition.

2. We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. Two submissions have been raised by the learned counsel appearing for the petitioner. The first submission is with respect to the delay in considering the representation made by the detenu. The second submission is with respect to the non application of mind on comparison of the ground case filed against the detenu in Crime No.303/2016 with the another crime No.193/2015, which is quoted as similar one.

4. As rightly submitted by the learned counsel for the petitioner, the case involved by the detenu is with respect to the major offence under Section 307 IPC whereas the bail application which is relied upon is with respect to 302 IPC. Therefore, this shows the non-application of mind on the part of the detaining authority in passing the impugned detention order. In such circumstance, the impugned detention order is liable to be quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in C.M.P.No.32/Goondas/2016/M1 dated 17.09.2016 passed by the second respondent is quashed. The detenu, viz., Appu @ Yuvaraj, son of Veeramani, is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

raa

To

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

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2.The District Magistrate and
the District Collector,
Namakkal, Namakkal District.

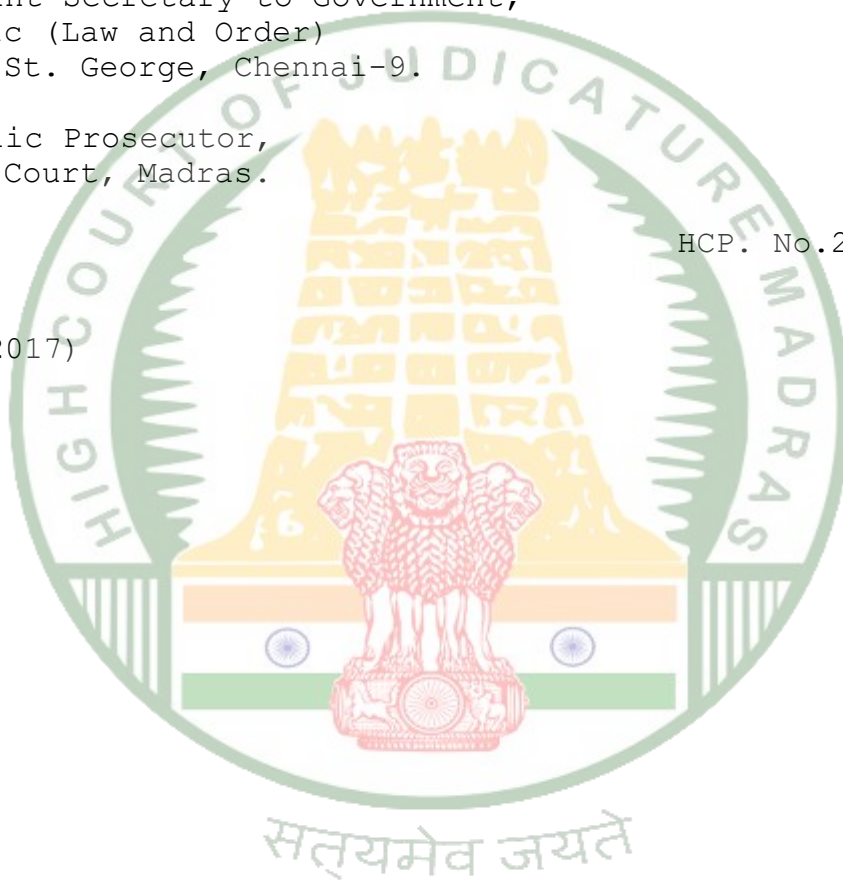
3.The Superintendent,
Central Prison,
Salem.
(In duplicate for communication to the petitioner)

4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.

5.The Public Prosecutor,
High Court, Madras.

HCP. No.2375 of 2016

SKV(CO)
RS(07/06/2017)



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