

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.558 of 2016

S.Kamalbatcha .. Petitioner

Vs

- 1.The State of Tamil Nadu,
rep by the Secretary to Government,
Public (SC) Department,
Fort St. George,
Chennai-600 009.
- 2.The Union of India,
represented by
the Secretary to the Government,
Ministry of Finance,
Department of Revenue,
(Cofeposa Unit), New Delhi.
- 3.The Superintendent of Central Prison,
Central Prison 2,
Puzhal, Chennai-66. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the records relating to the detention order, in G.O.No.S.R.I/320-9/2007, dated 13.4.2007, passed by the first respondent and to quash the same and to direct the respondents to produce the body of the person of the detenu, namely, John Mohammed, aged about 50 years, son of Syed Ibrahim, now detained, under Section 3(1)(i) and (ii) of the COFEPOSA Act, in the Central Prison 2, Puzhal, Chennai, before this Court and to set him at liberty.

For Petitioner : Mr.S.Palanikumar

For Respondents: Mr.V.M.R.Rajentren, APP for RR1 and 3
Mr.S.Arockiam, CGSC for R-2

ORDER

[Order of the Court was made by M.JAICHANDREN,J]

This Habeas Corpus Petition has been filed by the brother in law of the detenu, namely, John Mohammed, aged about 50 years, son of Syed Ibrahim, to issue a Writ of Habeas Corpus, to call for the records, in G.O.No.SR.I/320-9/2007, dated 13.4.2007, passed by the first respondent, detaining the detenu, under Section 3(1)(i) and (ii) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (Central Act 52 of 1974), in the Central Prison, Puzhal, Chennai, and to quash the same and to direct the Respondents to produce the body of the detenu and set him at liberty.

2 At this stage of the hearing of the Habeas Corpus Petition, the learned Additional Public Prosecutor appearing on behalf of the respondents 1 and 3 would submit that the order of detention passed by the first respondent, against the detenu, dated 13.4.2007, has been revoked by the Government, in G.O. Ms.No.503, Public (Law & Order.F) Department, dated 18.5.2016 and he has also produced a copy of the said order.

3 Recording the submission of the learned Additional Public Prosecutor, this petition is dismissed, as infructuous.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Public (SC) Department,
Fort St. George,
Chennai-600 009.

WEB COPY

2.The Secretary to the Government,
The Union of India,
Ministry of Finance,
Department of Revenue,
(Cofeposa Unit), New Delhi.

3.The Superintendent of Central Prison,
Central Prison 2,
Puzhal, Chennai-66.

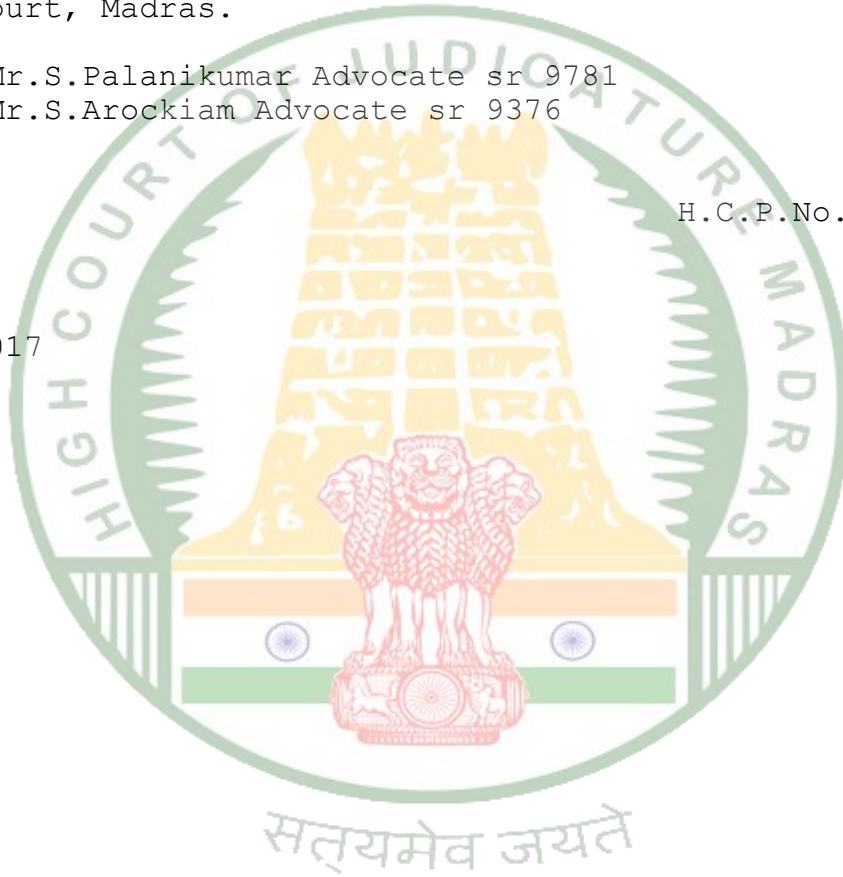
4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.S.Palanikumar Advocate sr 9781

+1 cc to Mr.S.Arockiam Advocate sr 9376

H.C.P.No.558 of 2016

ev(co)
aa27/02/2017



WEB COPY