



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

H.C.P.(MD)No.853 of 2016

Selvarani : Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Secretary,
The Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

3.The Superintendent,
Central Prison, Madurai. : Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records connected with the detention order in C.No.29/BCDFGISSSV/2016, dated 13.06.2016 passed by the first respondent and set aside the same and set the detenu by name Paruppu Vinoth @ Vinothkumar aged about 29 years, S/o.Dhanabalan at liberty, now detained at Central prison, Madurai.

For Petitioner : Mr.M.Vivek Kumar
For Respondents : Mr.C.Mayilvahana Rajendran,
Additional Public Prosecutor

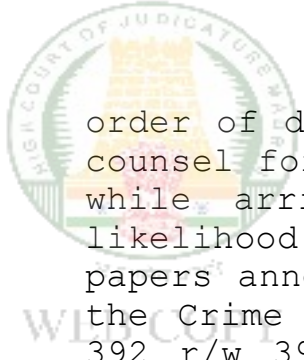
ORDER

[Order of the Court was made by **R.SUBBIAH, J**]

The petitioner is the mother of the detenu - Paruppu Vinoth @ Vinothkumar aged about 29 years. The detenu has been detained by the second respondent by his order in Detention Order C.No.29/BCDFGISSSV/2016, dated 13.06.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Though a number of grounds have been raised assailing the



order of detention, at the time of making submission, the learned counsel for the petitioner submitted that the Detaining Authority, while arriving at the subjective satisfaction that there is likelihood of the detenu coming out on bail, in the typed set of papers annexed at page No.262, which is in English, has mentioned the Crime number as 496 of 2016 for the offences under Sections 392 r/w 397 and 506(ii) IPC. But in the translated copy of the same, the crime number was mentioned as 221 of 2016 for the offences under Sections 147, 148, 323, 324 and 506(ii) IPC. This would go to show that the detaining authority has passed the order without application of mind and therefore, it would vitiate the order of detention.

3. In view of the above, we are of the considered opinion that the order of detention is vitiated on the ground of non application of mind on the part of the detaining authority. Hence, the detention order is liable to be set aside.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in C.No.29/BCDFGISSSV/2016, dated 13.06.2016, is quashed. The detenu, namely Paruppu Vinoth @ Vinothkumar, aged about 29 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

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To

- 1.The Secretary,
The Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent,
Central Prison, Madurai.
4. The Joint Secretary to Government of Tamil Nadu,
Public (Law & Order) Department,
Fort St. George,
Chennai - 9



5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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+1cc to Mr.M.Vivek Kumar Advocate Sr.No. 756

JAM/02.02.17/RR-BS/ 3p-7c

Order made in
H.C.P. (MD) No.853 of 2016
Dated: **05.01.2017**