

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.02.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No.2220/2017

N.Ramani

.. Petitioner

vs.

1.The State of Tamil Nadu
rep.by the Principal Secretary,
Home, Prohibition & Excise Department
fort St.George, , Chennai-600 009.

2.The District Magistrare & District Collector
Salem District
Salem

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order in C.M.P.No.65/SEXUAL GOONDA/C2/2017 dated 15.11.2017 passed by the 2nd respondent and set aside the same and direct the respondent to produce the petitioner's son Nagaraj @ Nagarajan S/o.Pasuva Reddy, aged about 53 years the detenu now confined in Central Prison, Salem, before this Court and set the petitioner's son Nagaraj @ Nagarajan S/o.Pasuva Reddy, aged about 53 years the detenu herein at liberty.

For petitioner : Mr.G.M.Shankar

For RR1 & 2 : Mr.V.M.R.Rajentren, APP

ORDER

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

Petitioner is the wife of the detenu, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under order of the second respondent passed in C.M.P.No.65/GOONDA/C2/2017 dated 15.11.2017.

2. The detenu came to adverse notice in the case registered in Crime No.07/2017 on the file of Poolampatty Police Station for offences u/s. 294(b), 506(i) IPC r/w Sec.4 of Tamil Nadu Prohibition of Harassment of woman Act, 2002. Ground case has

been registered against the detenu on 31.10.2017, by the Poolampatty Police Station, in Crime No.242 of 2017 for offences under Sections 354A, 354B IPC of Tamil Nadu Prohibition of Harassment of Woman Act 2002, r/w.376,511 and 294(b), 506(i) IPC r/w. 3(1)(x) SC/ST (Prevention of Attrocities) Act 1989. Detenu has been branded as Goonda under the Tamil Nadu Act 14 of 1982 and detained under order of the second respondent passed in C.M.P.No.65/GOONDA/C2/2017 dated 15.11.2017. Aggrieved, petitioner/wife has filed the present Habeas Corpus petition.

3.Heard the learned counsel for petitioner and learned Additional Public Prosecutor.

4. The order of the detention informs that the detenu having been granted relief of bail under orders of this Court in CrI.A.No.718 of 2017 dated 13.11.2017 was yet to furnish surety in keeping with such order and if he does so and is released on bail, he would indulge in prejudicial activities. The order under challenge amounts to interdiction with an order of this Court and such approach is to be roundly condemned. The Detaining Authority has failed to see that his order of detention dated 15.11.2017 has the effect of undoing a relief granted to one by this Court.

5. Accordingly, the habeas corpus petition is allowed and the detention order passed by the 2nd respondent is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kpr
To

1. The Principal Secretary
Home, Prohibition & Excise Department
fort St.George, , Chennai-600 009.

2.The District Magistrare & District Collector
Salem District
Salem

3. The Superintendent
Central Prison Salem

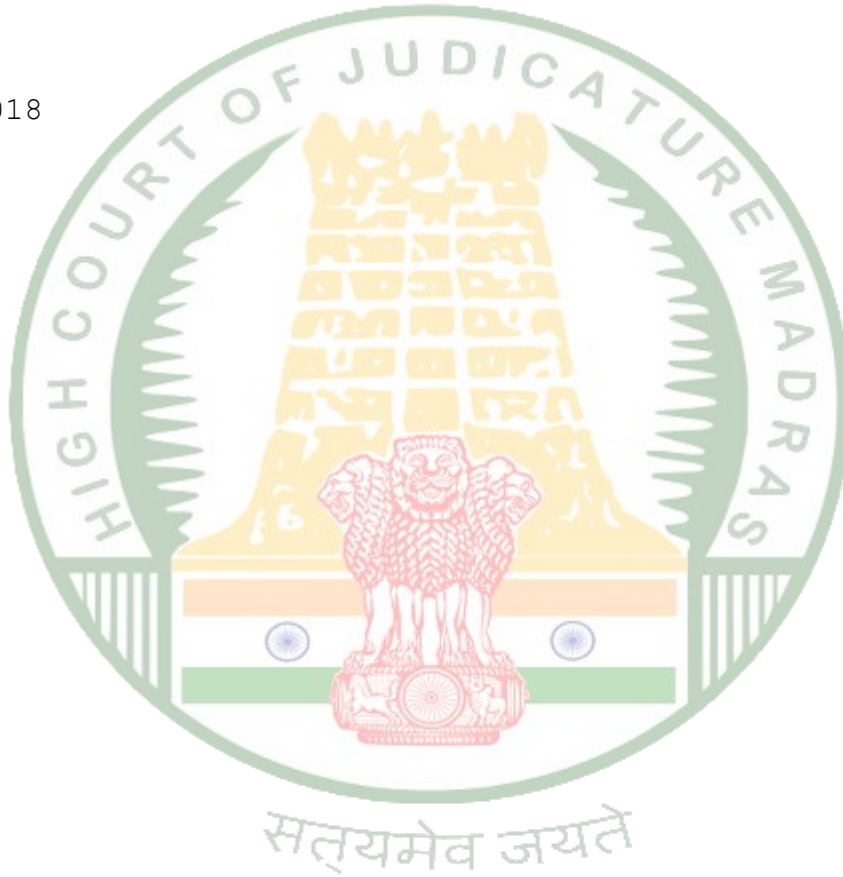
4.The Joint Secretary to Govt
Public Law and Order
Fort St.George Chennai-9

5.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.C.Prabakaran Advocate sr 11913

H.C.P.No.2220/2017

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