

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.05.2018

CORAM

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE Mrs.JUSTICE S.RAMATHILAGAM

H.C.P.No.45 of 2018

Poonkuzhali @ Ponni Petitioner

Vs

1. State of Tamil Nadu,
Represented by
The Secretary to the Government
Department of Home, Prohibition and Excise
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Vepery, Chennai. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS to call for the records in Memo No.796/BCDFGISSSV/2017 passed by the 2nd respondent on 28.12.2017, set aside the same and direct the respondents to produce the detainee Poonkuzhali @ Ponni, Wife of Appu @ Narendren, aged about 37 years, presently confined in the Central Prison, Women Special Cell Puzhal, Chennai.

For Petitioner : Mr.J.Stalin

For Respondents: Mr.R.Ravichandran

WEB COPY
O R D E R

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

The Detention Order passed by the Commissioner of Police, Greater Chennai, in Proceedings dated 28.12.2017, is under challenge in this Habeas Corpus Petition. The detainee was detained on 28.12.2017, based on two adverse cases and one ground case.

2. The learned counsel appearing on behalf of the petitioner made a submission that the detinue has not filed any bail application so far. Thus, the order of Detention is liable to be scrapped.

3. The learned Government Advocate appearing on behalf of the respondents made a submission that this is not a simple case of theft, alleged to have been committed by the detinue, contrarily, the allegations set out in the ground case is self evident that she has threatened the driver and the passengers travelling in the car stolen in the knife point and created a panic in the public place.

4. On perusal of the allegations set out in the ground case, we are of the considered opinion that the nature of the allegations are certainly serious and affecting the public order. Thus, the ground case registered against the detinue cannot be stated to be a simple case of theft and the allegations are not only serious and affecting the tempo of life and tranquillity of public at large. This being the nature of the ground case, registered against the detinue, we are of the considered opinion that the present Habeas Corpus Petition is not a fit case for further consideration. This apart, it is brought to our notice that the detinue has involved in some other cases, which all are also serious in nature and under these circumstances, we are not inclined to consider the case of the detinue in this Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mk / gya

To

1. The Secretary to the Government
Department of Home, Prohibition and Excise
Secretariat, Fort St. George,
Chennai.

2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
Vepery, Chennai.

3. The Superintendent,
Special Prison for Women,
Puzhal, Chennai.

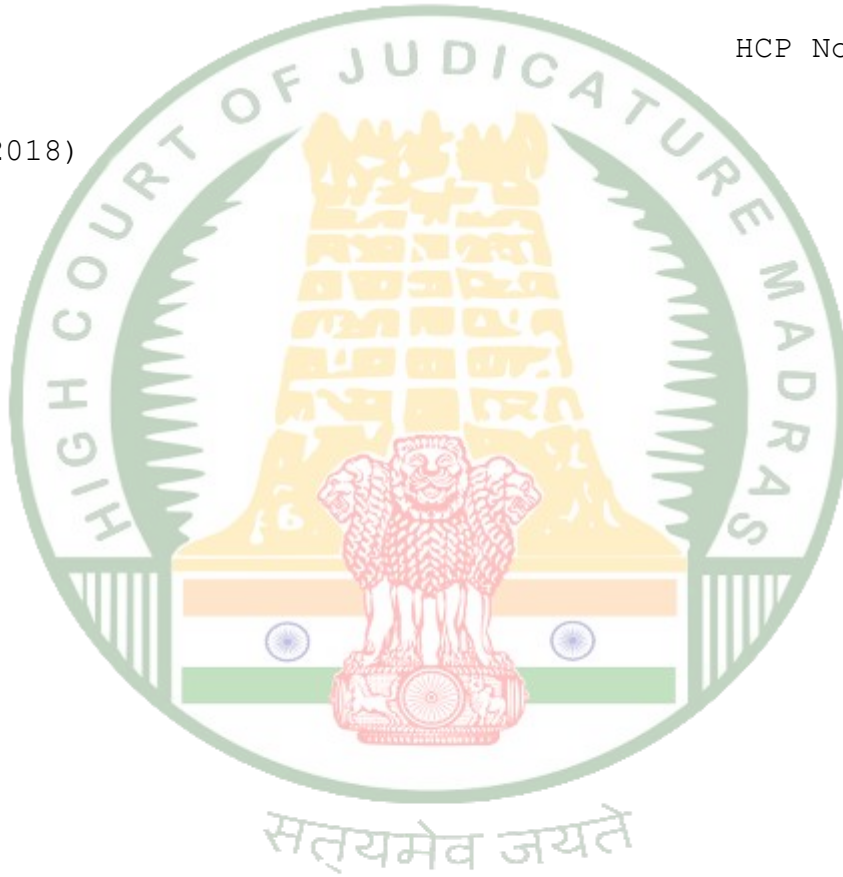
4. The Joint Secretary to Government,
Public (law & Order), fort st. George,
chennai 9

5. The Public Prosecutor,
High Court, Madras 104.

+1cc to Mr.J.STALIN, Advocate, S.R.No. 33195

HCP No.45 of 2018

KGK(CO)
TR(16/05/2018)



WEB COPY