

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

AND

THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.NO.499 OF 2018

Bhagyalakshmi

.... Petitioner

Vs

1.State of Tamil Nadu rep.by
The Secretary to the Government
Department of Prohibition & Excise
Government of Tamil Nadu, Chennai 600 009.

2.The Commissioner of Police, Greater Chennai,
Vepery, Chennai - 600 007. 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 pertaining to the proceedings of the 2nd respondent made in proceedings No.100 of 2018 BCDFGISSSV dated 21.02.2018 and quash the same and set the petitioner's husband / the detenu namely T.Karthik S/o Thulukanam aged about 28 years who is confined at Puzhal, Chennai.

For Petitioner : Mr.L.Uthaya Kumar

For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor-for R1 and R2

O R D E R

(Order of the Court was made by Dr.S.VIMALA, J.)

The detention order No.100 of 2018 BCDFGISSSV dated 21.02.2018 passed by the second respondent is under challenge in this Habeas Corpus Petition on the ground that there are no materials at all to detain the detenu invoking the provisions of Prevention of Detention Act.

2. Challenging the order of detention, the petitioner has come forward with the present habeas corpus petition.

3. Heard Mr.L.Uthaya Kumar, learned counsel appearing for the petitioner and Mr.R.Prathap Kumar, learned Addl. Public Prosecutor appearing for the respondents.

2. It is pointed out that a case is registered against the detenu herein under Sections 341, 323 and 506 (ii) IPC in Crime No.1380 of 2012. Yet another case in J-12 Kanathur Police Station in Crime No.851 of 2016 under Sections 448, 294(b), 323 and 506(i) IPC is also registered against the detenu. It is represented that the detaining authority, without considering the allegations levelled against the detenu in the above two cases, is not justified in invoking the provisions of Act 14 of 1982.

3. We have considered the materials placed before us and we are satisfied with the grounds on which the learned counsel for the petitioner has challenged the detention order. The nature of allegations made in those two cases are not sufficient and serious enough to invoke the provisions of Act 14 of 1982. Accordingly, the detention order passed by the second respondent dated 21.02.2018 is quashed and the detenu Karthik S/o Thulukanam aged about 28 years, is ordered to be set at liberty forthwith, unless his custody is otherwise required in any other

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Secretary to the Government
Home Prohibition of Excise Department,
Fort St.George, Chennai -9.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
- 3.The Superintendent of Central Prison,
Puzhal, Chennai.
- 4.The Joint Secretary to the Government,
Public (Law and order),
Fort St.George, Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras - 104.

H.C.P. NO. 499 OF 2018

RR(CO)
rrs 25/10/2018