

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.698 of 2018

Ramani
W/o.Murugan

..Petitioner

-Vs-

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The District Collector &
District Magistrate,
Kancheepuram District,
Kancheepuram.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent in BCDFGISSSV No.17/2018 dated 09.03.2018 against the petitioner's son Solomon @ Inbanathan, male aged 28 years, S/o.Murugan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner: Mr.D.Balaji

For Respondents: Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

[Order of the Court was made by C.T.SELVAM, J]

Petitioner is the mother of the detenu Solomon @ Inbanathan S/o.Murugan, 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 BCDFGISSSV No.17/2018 dated 09.03.2018.

2. The detenu came to adverse notice in Crime No.45 of 2018 on the file of Baluchettychatram Police Station for offence u/s.302 IPC. The alleged ground case has been registered against the detenu in Crime No.46 of 2018 on the

file of Baluchettychatram Police Station for offences under sections 341, 294(b), 392, 397 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Amidst several grounds raised, learned counsel for petitioner submits that the detaining authority while noticing that the detenu stands remanded to judicial custody in case registered in Crime Nos.45 and 46 of 2018 on the file of Baluchettychatram Police Station, had informed that the detenu has filed bail application in both cases and the same were dismissed and again, he has moved another bail application in Crime No.45 of 2018. Though the detenu has not filed another bail application in the ground case, he has stated that in similar cases bail was granted and therefore, there was a real possibility of his coming out on bail and if he comes out on bail, he will indulge in further activities which will be prejudicial to the maintenance of public order. It is, therefore, submitted that the detaining authority has arrived at subjective satisfaction without entering upon objective consideration.

4. We have heard learned Additional Public Prosecutor on the above submissions and also perused the records.

5. Finding that the subjective satisfaction arrived by the detaining authority is erroneous and for the reasons put forth by learned counsel for the petitioner, this Court would allow the present petition.

Accordingly, the impugned detention order passed by the second respondent, detaining the detenu, namely, Solomon @ Inbanathan S/o.Murugan, in BCDFGISSSV No.17/2018 dated 09.03.2018, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

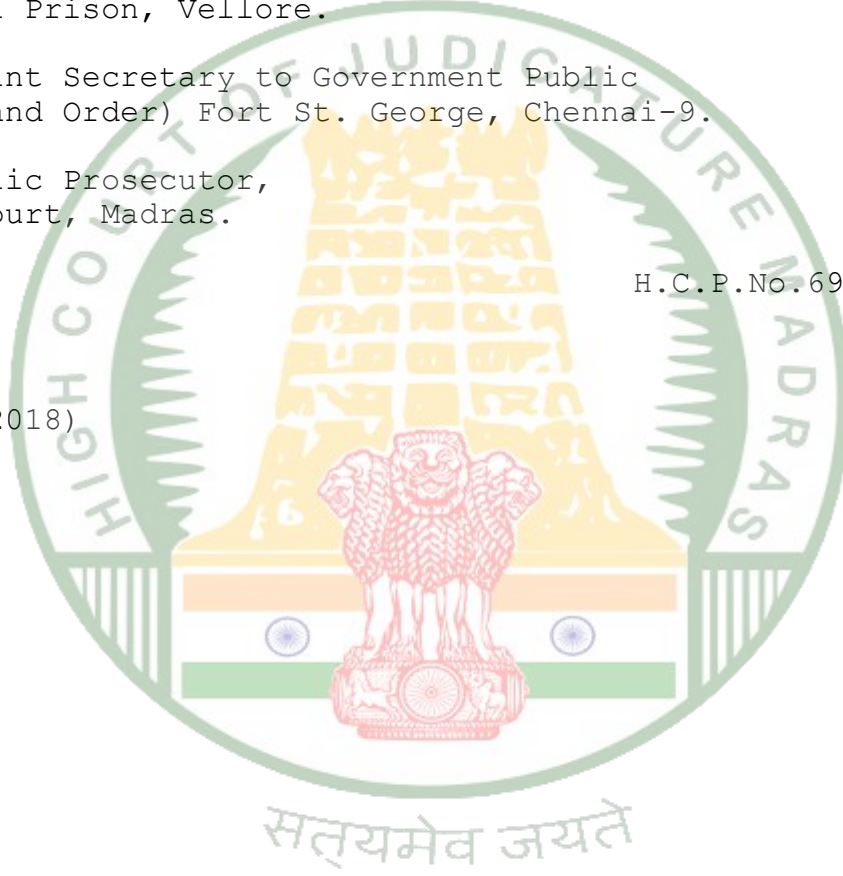
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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
- 2.The District Collector & District Magistrate,
Kancheepuram District,
Kancheepuram.
- 3.The Superintendent,
Central Prison, Vellore.
4. The Joint Secretary to Government Public
(Law and Order) Fort St. George, Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.698 of 2018

RG(CO)
EU(17/09/2018)



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