

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.78 of 2018

Mohammed Yusuf ... 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.797/BCDFGISSSV/2017 passed by the 2nd respondent on 28.12.2017, set aside the same and direct the respondents to produce the detenu Mohammed Yusuf, Son of Buhari, aged about 32 years, presently confined in the Central Prison, Puzhal-II, Chennai and set him at liberty.

For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.R.Ravichandran

सत्यमेव जयते

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 detenu 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 detenu has not filed any bail application so far. Thus, the order of Detention is liable to be scrapped.

3. The learned counsel appearing on behalf of the petitioner made a submission that there are certain discrepancies in considering the ground case. The ground case considered was the earlier FIR registered and the name of the detenu was not even found in the earlier circumstance. It is pertinent to note that the name of the detenu was not found both in the complaint as well as in the FIR. This being the factum of the case, the detaining authority had not considered these factors, before passing the impugned Detention Order.

4. The learned Government Advocate appearing on behalf of the respondents made a submission that two adverse cases were noted of and the first adverse case was registered by G1 Vepery Police Station in Crime No.1178 of 2017 for the offence under Section 379 IPC on 13.11.2017. The second adverse case was registered by S15 Selaiyur Police Station in Crime No.1736 of 2017 for the offence under Section 379 IPC on 21.11.2017.

5. The learned Government Advocate further submitted that the ground case was registered on 06.12.2017 and we have carefully perused the allegations set out in the ground case. On 06.12.2017, the accused Poonguzhali @ Ponni along with her husband/accused Appu @ Narendran and the detenu Mohammed Yusuf, engaged a car bearing Registration No.TN 03 V 1140 from the complainant/Balaji, who is doing car rental business, while proceeding at General Collings Road, the accused threatened the complainant/Balaji with a knife and snatched the car key and tried to escape. On hearing the noise, the near by public tried to apprehend the accused. Thereafter, the accused escaped. Based on the complaint of Mr.Balaji, a case in G1 Vepery Police Station in Crime No.1189 of 2017 for the offences under Sections 341, 294(b), 323, 336, 392, 397 & 506(ii) IPC was registered and investigated.

6. When this being the allegations, projected in the ground case, we are of the considered opinion that the incident really creates a concern in respect of maintenance of Public order and tranquility. Thus, we are not inclined to consider the case of the petitioner for release and the present Habeas Corpus Petition is not a fit case to grant a relief as such sought for in the Habeas Corpus Petition. Accordingly, this Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

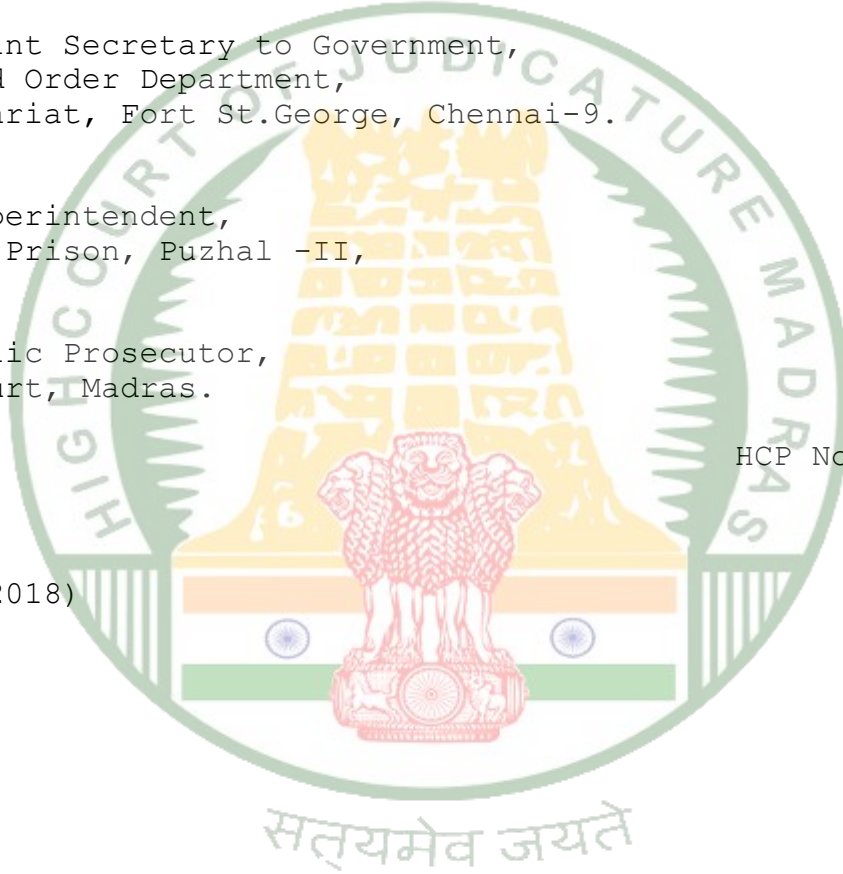
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To

- 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 Joint Secretary to Government,
Law and Order Department,
Secretariat, Fort St.George, Chennai-9.
4. The Superintendent,
Central Prison, Puzhal -II,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

HCP No.78 of 2018

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