

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2018

CORAM

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

H.C.P.No.866 of 2018

N.Ponnan
S/o.Nathan

... Petitioner

vs.

1.The State of Tamil Nadu,
represented by
The Secretary to the Government,
Prohibition & Excise Department,
Fort St.George,
Chennai - 600009.

2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the detenu Jayasellan @ Karthick, aged 23 years, before this Court, now confined in Central Prison II, Puzhal, Chennai and set him at liberty and to call for the records pertaining to the order vide BCDFGISSSV No.14 of 2018 dated 20.04.2018 and set aside the same.

For Petitioner : Mr.C.K.M.Appaji

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 father of the detenu Jayaseelan @ Karthick S/o.Ponnan, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in BCDFGISSSV No.14/2018 dated 20.04.2018. Such order is under challenge herein.

2. The detenu came to adverse notice in the following cases:

Sl.	Police Station and Crime No.	Section of law
1	F1 Gummidipoondi Police Station, Crime No.228/2017	392 IPC @ 397 r/w 34 IPC
2	F4 Kavarapettai Police Station, Crime No.88/2018	392 IPC
3	F2 Sipcot Police Station, Crime No.101/2018	392 IPC

The ground case has been registered against the detenu in Crime No.143 of 2018 on the file of Sipcot Police Station, for offences u/s.147, 148, 336, 307 r/w 397 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents. Perused the materials on record.

4. Learned counsel for petitioner submits that in informing the case details in support of the detention order, the detaining authority has, at two different places, informed the filing of bail petitions on behalf of the detenu in C.M.P.No.1555 of 2018 on 28.03.2018. However, in one, the Court is informed to be that of Judicial Magistrate I, Ponneri while in the other the same is informed to be Principal District and Sessions Court, Tiruvallur. The above ambiguity adversely had affected the right of the detenu to make a representation against the order of detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

Finding force in the submission of learned counsel for petitioner, this Court holds that the order under challenge would have to fall. Accordingly, the impugned detention order passed by the second respondent, detaining the detenu, namely, Jayaseelan @ Karthick S/o.Ponnan, made in BCDFGISSSV No.14/2018 dated 20.04.2018, 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.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

gm

To

1.The Secretary to the Government,
Prohibition & Excise Department,
Fort St.George,
Chennai - 600009.

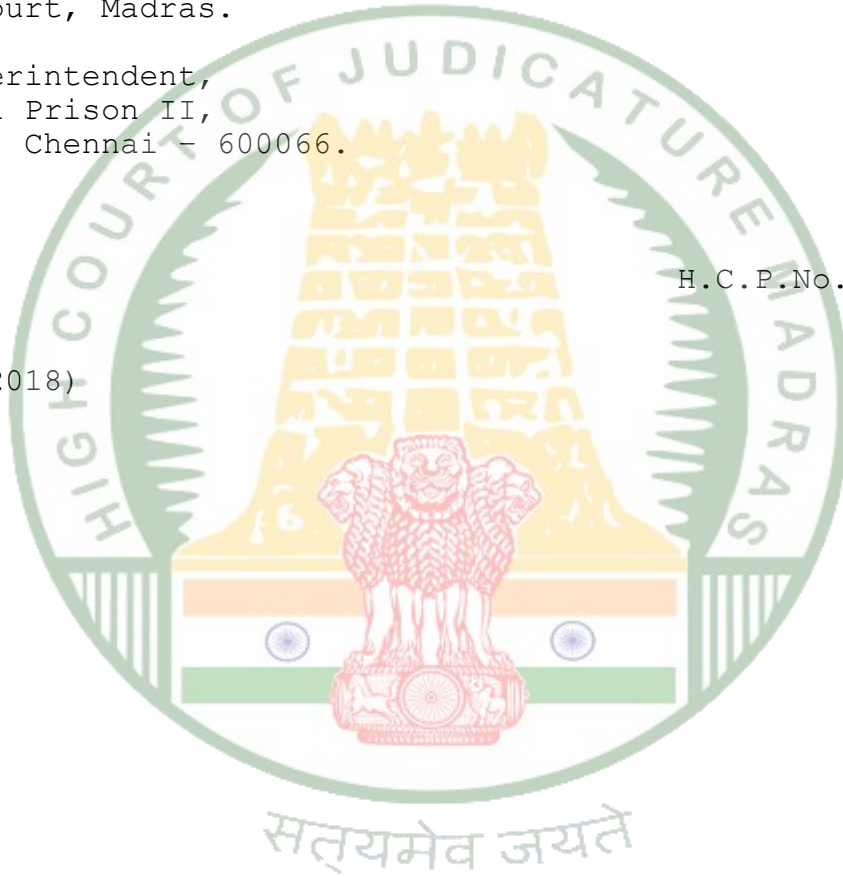
2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.

3.The Public Prosecutor,
High Court, Madras.

4.The Superintendent,
Central Prison II,
Puzhal, Chennai - 600066.

H.C.P.No.866 of 2018

SP(19/11/2018)



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