



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM

and

THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P. (MD) No.179 of 2018

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North D.Baskar @ Baskar

... Petitioner

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the respondent no.2 in C.No.7/Detention/C.P.O./T.C./2018, dated 01.02.2018 and quash the same and direct the respondents to produce the person or body of the detenu by name North D.Baskar @ Baskar, S/o Kanagaraj, aged about 32 years, now detained in Trichy Central Prison before this Court and set him at liberty.

For Petitioner

: Mr.R.Alagumani

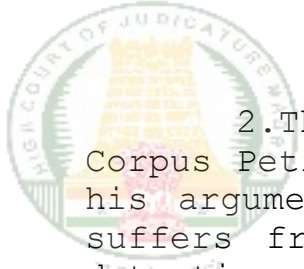
For Respondents

: Mr.V.Neelakandan, APP

ORDER

(Order of the Court was made by C.T.SELVAM,J.)

The petitioner is the detenu - North D.Baskar @ Baskar, S/o Kanagaraj, aged about 32 years. The detenu has been detained by the second respondent by the impugned Detention Order C.No.7/Detention/C.P.O./T.C./2018, dated 01.02.2018, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu



2. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner would mainly focus his argument on the ground that the impugned order of detention suffers from non-application of mind. In passing the order of detention on 01.02.2018, the Detaining Authority has recorded the position that the bail application of the detenu in the ground case was dismissed on 25.01.2018. While the subjective satisfaction of detaining authority regards the release of the detenu on bail in the other adverse case and ground case, recorded that the 4th adverse case is not informed, which, according to the learned counsel for the petitioner, shows total non-application of mind on the part of the Detaining Authority, which vitiates the order of detention.

3. We have considered the above submissions.

4. An identical issue was considered by a Division Bench of this Court in **T.Chitra Vs. State of Tamil Nadu**, reported in **2014 (2) MLJ Cr1 72** and the order of detention was set aside on the ground of non-application of mind. Hence, following the said order, the Detention Order, passed by the second respondent, in his proceedings in Detention Order C.No.7/Detention/C.P.O./T.C./2018, dated 01.02.2018, is quashed. The detenu, namely, North D.Baskar @ Baskar, S/o Kanagaraj, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

5. In the upshot, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.



4.The Joint Secretary to Government,
Public (Law and Order),
Fort.St.George,
Chennai - 9.

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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.R.Alagumani, Advocate Sr.No.62873

NBJ

VB/RP/SAR2/13.07.2018/3P/7C

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