



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:30.07.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
and

WEB COPY THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P.(MD)No.900 of 2018

Jothilakshmi

... Petitioner

Vs.

1. Government of Tamil Nadu
Represented by its Secretary,
Home, Prohibition and Excise (XII) Department,
Fort St.George, Chennai- 600 009.
2. The Chairman,
Advisory Board,
32, Rajaji Salai,
Singavelan Maligai,
Ground Floor, (Back Side Entrance),
Collectorate, Chennai - 600 001.
3. The Commissioner of Police,
O/o.Commissioner of Police,
Trichy.
4. The Superintendent of Prison,
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.3 vide his order in C.No.16/Detention/ C.P.O/T.C/2018, dated 23.03.2018 under Section 3(1) of Act 14 of 1982 and quash the same as illegal and direct the respondents to produce the body or person of the detenu by name Clinton @ Ajith aged about 20 years son of Arokiasusilkumar, now detained at Central Prison, Trichy before this Court and set him at liberty forthwith.

For Petitioner : Mr.C.Gangai Amaran

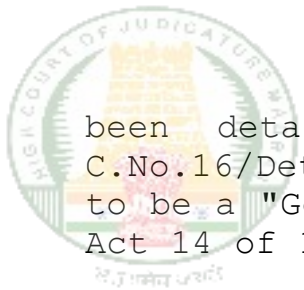
For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

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

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner is the mother of the detenu - Clinton @ Ajith, aged about 20 years, S/o. Arokiasusilkumar. The detenu has



been detained by the third respondent by the impugned in C.No.16/Detention/ C.P.O/T.C/2018, dated 23.03.2018, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

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 Detaining Authority, while arriving at subjective satisfaction, in Paragraph No.5, has stated that there is real possibility for detenu coming out on bail in future by filing bail application as in similar case, bail was granted by the Court concerned, 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 third respondent, in his proceedings in C.No.16/Detention/ C.P.O/T.C/2018, dated 23.03.2018, is quashed. The detenu, namely, Clinton @ Ajith, aged about 20 years, S/o. Arokiasusilkumar, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

5. Accordingly, we allow the Habeas Corpus Petition.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The Secretary,
Home, Prohibition and Excise (XII) Department,
Fort St.George, Chennai- 600 009.
2. The Chairman,
Advisory Board,
32, Rajaji Salai,
Singavelan Maligai,
Ground Floor, (Back Side Entrance),
Collectorate, Chennai - 600 001.



3. The Commissioner of Police,
O/o. Commissioner of Police,
Trichy.

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

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

6. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr. C. Gangai Amaran, Advocate Sr. No. 75888

LS/RJ2

VB/MMS/SAR3/20.08.2018/3P/8C

H.C.P. (MD) No. 900 of 2018
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