



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.09.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P(MD)No.1032 of 2018

Siva @ Thoppi Siva

... Petitioner

Vs.

1.State of Tamil Nadu

rep.by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai - 9.

2.The District Magistrate and District Collector,
O/o.the District Magistrate and District Collector,
Pudukottai District,
Pudukottai.

3.The Superintendent,
Central Prison,
Tiruchirapalli.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in P.D.O.No.13/2018 dated 06.07.2018 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner namely Siva @ Thoppi Siva S/o.Vairavan, male aged 40 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner	: Mr.K.A.S.Prabhu
For Respondents	: Mr.K.Dinesh Babu Additional Public Prosecutor.

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The detenu has been detained by the second respondent by his order in P.D.O.No.13/2018 dated 06.07.2018, holding him as a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



2. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the co-accused has already been released by this Court in HCP(MD)No.612 of 2018 dated 20.06.2018, wherein it is held as follows:

"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 P.D.O.No.07/2018, dated 16.04.2018, is quashed. The detenu, namely Murugesan @ Diesel Murugesan, S/o.Arumugam, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case."

3. In the light of the same, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent, in P.D.O.No.13/2018 dated 06.07.2018, is quashed. The detenu, namely, Siva @ Thoppi Siva S/o.Vairavan, male, aged 40 years, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Principal Secretary to Government,
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort.St.George, Chennai - 9.
2. The District Magistrate and District Collector,
O/o.the District Magistrate and District Collector,
Pudukottai District, Pudukottai.
3. The Superintendent, Central Prison, Tiruchirapalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P (MD) No.1032 of 2018
20.09.2018

MJ