



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 30.07.2018  
CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM  
and  
THE HONOURABLE Mr. JUSTICE A.M.BASHEER AHAMED

H.C.P. (MD) No.1047 of 2018

K.Ramaprabha

... Petitioner

Vs.

1. The State represented by  
The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 9.

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

3. The Superintendent,  
Central Prison,  
Trichirappalli.

... Respondents

**PRAYER:** The petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling entire records in connection with the detention order passed by the second respondent in detention order in Cr.M.P.No.06/2018, dated 30.06.2018 and quash the same as illegal and direct the respondents to produce the body or person of detenu namely Kutti @ Karunakaran, S/o.Manokaran, aged about 38 years, now detained in Central Prison, Trichirappalli before this Court and set him at liberty.

For Petitioner  
For Respondents

: Mr.G.Thalaimutharasu  
: Mr.V.Neelakandan  
Additional Public Prosecutor

**ORDER**

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

The petitioner is the wife of the detenu - Kutti @ Karunakaran, S/o.Manokaran, aged about 38 years. The detenu has been detained by the second respondent by the impugned in Cr.M.P.No.06/2018, dated 30.06.2018, holding him to be a "Sand Offender", as contemplated under Section 2(gg) 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 second respondent, in his proceedings in Cr.M.P.No.06/2018, dated 30.06.2018, is quashed. The detenu, namely, Kutti @ Karunakaran, S/o.Manokaran, aged about 38 years, 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 (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Principal Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat, Chennai - 9.
2. The District Magistrate and District Collector,  
Karur District, Karur.
3. The Superintendent,  
Central Prison,  
Triuchirappalli.
4. The Joint Secretary to Government,  
Public (Law and Order),  
Police, Chennai - 9.



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

+1cc to Mr.G.Thalaimutharasu, Advocate SR.No.75641  
Ls/rj2  
MK/RP/SAR 2/23.08.2018/3P/7C

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**30.07.2018**