

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No.608 of 2019

Chandru @ Chandrasekar

... Petitioner

-vs-

The State Rep. By

1. The District Collector &
District Magistrate,
Krishnagiri District,
Krishnagiri.

2. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records in S.C.No. 60 of 2018, dated 29.11.2018, passed by the 1st respondent herein and set aside the same as illegal and produce the detenu Chandru @ Chandrasekar, son of Ramanujam, aged about 44 years, who is confined at Central Prison, Salem before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.K.Seetha Ram

For Respondents : Mr.C.Iyyappa Raj
: Addl. Public
Prosecutor

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ORDER

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

The petitioner is the father of the detenu, Chandru @ Chandrasekar, son of Ramanujam, aged about 44 years. The detenu has been detained by the first respondent by his order in

S.C.No. 60 of 2018, dated 29.11.2018, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.Learned counsel appearing for the petitioner raised a pertinent point. It is submitted that the Detention Order was passed on the premise that the detenu is committing crimes and indulging in dacoity and robbery. However, no FIR has been registered against the detenu in so far as these offences are concerned.

4.The learned Additional Public Prosecutor, on verification, submitted that the submission made by the learned counsel for the petitioner is factually correct.

5.On considering the materials, we find that there is every force in the contention put forth by the learned counsel for the petitioner and hence, the order of Detention passed against the detenu is liable to be set aside and it is, accordingly, set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in S.C.No. 60 of 2018, dated 29.11.2018 passed by the first respondent is set aside. The detenu, Chandru @ Chandrasekar, son of Ramanujam, aged about 44 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

सत्यमेव जयते
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To:

1. The District Collector &
District Magistrate,
Krishnagiri District,
Krishnagiri.

2. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

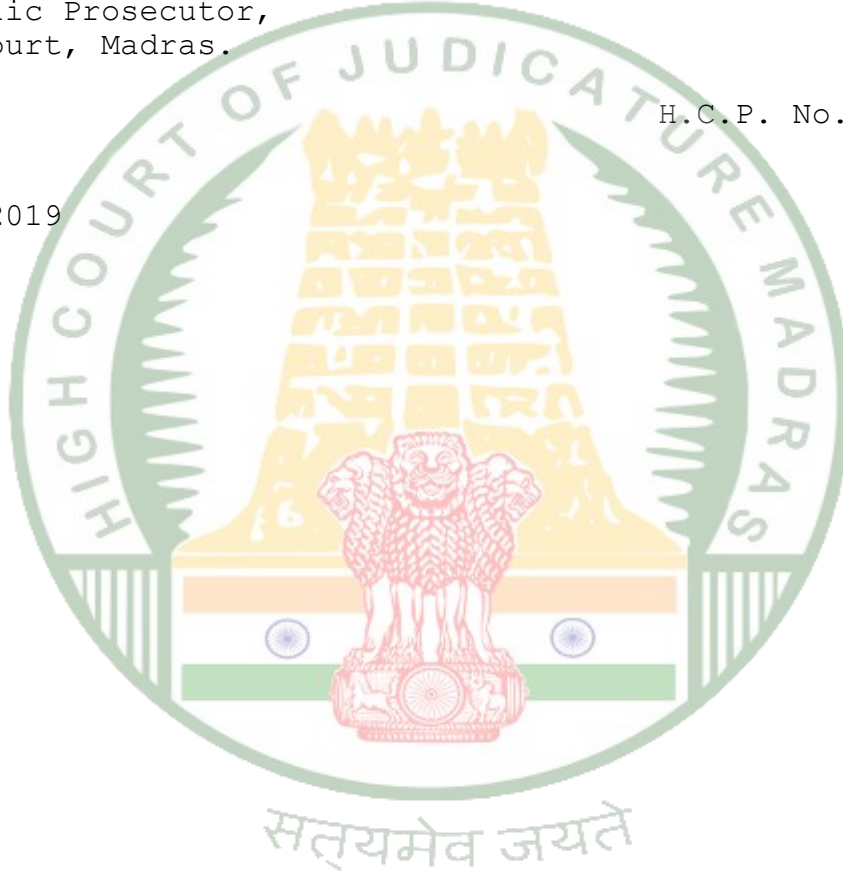
3. The Superintendent
Central Prison, Salem.

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

5. The Public Prosecutor,
High Court, Madras.

H.C.P. No.608 of 2019

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nr 26/07/2019



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