

Crl.M.P.No.5109 of 2019
in HCP.No.192 of 2019

M.SATHYANARAYANAN, J.,
and
M.NIRMAL KUMAR, J.,

(Order of the Court was made by M.SATHYANARAYANAN, J.)

The main Habeas Corpus Petition has been filed by the wife of the detenu, namely Venkatesan praying for the quashment of the impugned order of detention dated 12.01.2019 passed by the 2nd respondent, in and by which, he has been detained as Immoral Traffic Offender. The Habeas Corpus petition was entertained on 25.01.2019 and pending disposal of the same, has filed the Criminal Miscellaneous Petition praying for fixation of early date for hearing by stating among other things that she is in family way by way of artificial insemination and there is no one to look after her other than her husband and as such prays for fixation of early date of hearing for disposal of this Habeas Corpus Petition.

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2. In the main Habeas Corpus Petition, counter affidavit has been filed on behalf of the respondents and a perusal of the same would disclose that the detenu is a notorious offender and indulging in same illegal and immoral activities of flesh trade for over 19 years and already

involved in six cases of similar in nature and very many detention orders have also been passed and the said orders were quashed by this Court and despite that, he is not prepared to mend his ways and continue to indulge in said illegal activities.

3. A perusal of the typed set of documents filed along with this petition would disclose that the petitioner got treatment for its infertility at Vijayawada and case sheet issued by Padmaja Clinic would disclose that the petitioner is having mother, aged about 50 years and father, aged about 56 years and as such, it cannot be said that she is without any support.

4. The learned counsel appearing for the petitioner would state that now the petitioner is undergoing treatment in Akash Hospital, Chennai.

5. It is also brought to the knowledge of this Court by the learned Additional Public Prosecutor appearing for the State that the petitioner is having an effective alternative remedy under Section 15 of Tamil Nadu Prevention of Dangerous activities of Bootleggers, Cyber Law Offenders, Forest Offenders, Goondas, Immoral Traffic offenders, Sand Offenders,

Sexual Offenders, Slum Grabbers and Video Pirates Act 1982 (Tamil Nadu Act 14 of 1982) for temporary release of the persons detained and as such, the present Criminal Miscellaneous Petition is not maintainable.

6. This Court, taking into consideration the above facts and circumstances, is of the considered view that it is not a fit case for early hearing and disposal and however, taking into consideration the plea made by the learned counsel for the petitioner, grants liberty to the petitioner to submit a representation to the 1st respondent under Section 15 of the Goondas Act for temporary release of her husband and as and when, such representation is received, the 1st respondent is directed to consider the same as expeditiously as possible and pass orders in accordance with law.

7. The Criminal Miscellaneous Petition is disposed of with the above observation.

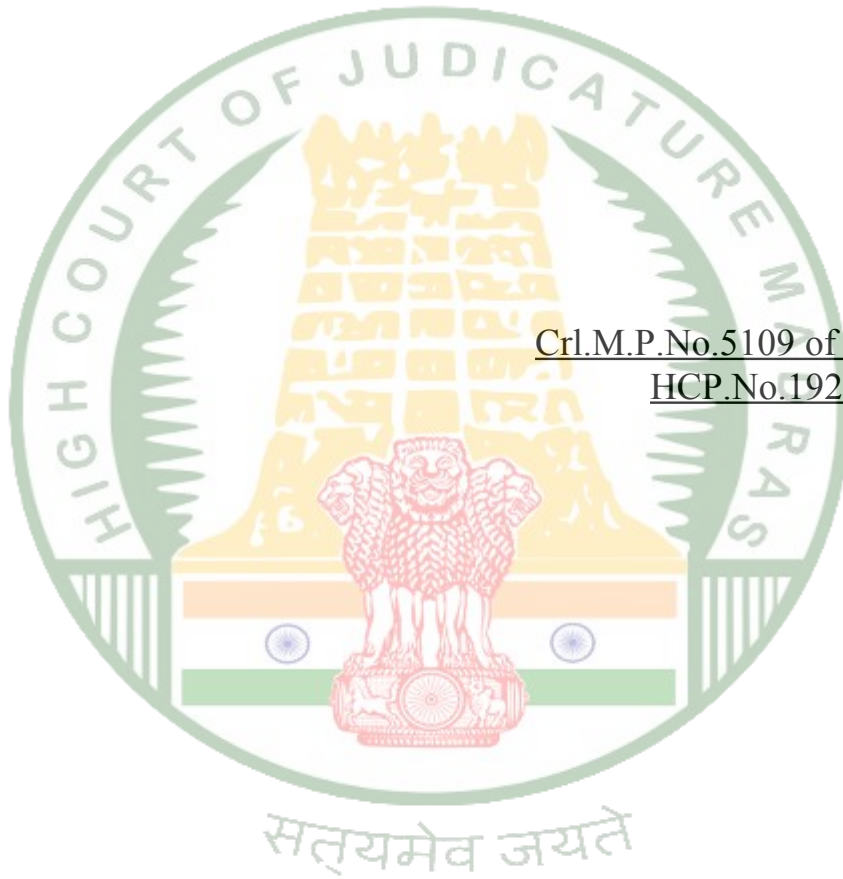
[M.S.N., J] [M.N.K.,J]
10.04.2019

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Note:Registry is directed to issue order copy to the 1st respondent.

M.SATHYANARAYANAN, J.,
and
M.NIRMAL KUMAR, J.,

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