

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.NO.1031 OF 2019

Manikandan

... Petitioner

-vs-

1. The Commissioner of Police,
Greater Chennai, Chennai.

2. State:
Secretary to Government of Tamil Nadu,
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 calling for the records of the first respondent in connection with detention order No.200/BCDFGISSSV/2019 dated 04.05.2019 and quash the same and to produce the body of the detenu Johnson, S/o.Manikandan before this Court and set at liberty the detenu Johnson, S/o.Manikandan, now detained in the Central Prison II, Puzhal, Chennai.

For Petitioner : Mr.V.S.Srikrishnan

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

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

The petitioner is the father of the detenu Johnson, S/o.Manikandan. The detenu has been detained by the first respondent by his order in No.200/BCDFGISSSV/2019 dated 04.05.2019, holding to be 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. 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. The learned counsel appearing for the petitioner, assailing the order of detention, submits that though the detenu was arrested on 19.02.2019 and gave a confession, admitting his involvement in three cases, the detaining authority has stated that the detenu has already come to adverse notice. Learned counsel appearing for the petitioner further submits that there is no material to show that the detenu has swindled the public money under the guise of offering personal loan. Therefore, the order of detention has been passed without application of mind.

4. We have perused the grounds of detention. In page 6 of the grounds of detention, it has been stated that the detenu was arrested on 19.02.2019 and he made a confession statement, admitting his involvement in the adverse cases. But in page 14 of the grounds of detention, the detaining authority has expressed satisfaction that the detenu is committing crimes and he has already come to adverse notice. The detaining authority has further stated that the detenu along with his associates collected money under the guise of offering personal loan and cheated general public. Since the detenu himself admitted his involvement in the adverse cases by way of confession statement, the satisfaction arrived by the detaining authority that he has come to adverse notice is not proper. Therefore, we are of the view that the order of detention is liable to be quashed on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention No.200/BCDFGISSSV/2019 dated 04.05.2019, passed by the first respondent is set aside. The detenu, Johnson, S/o. Manikandan, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

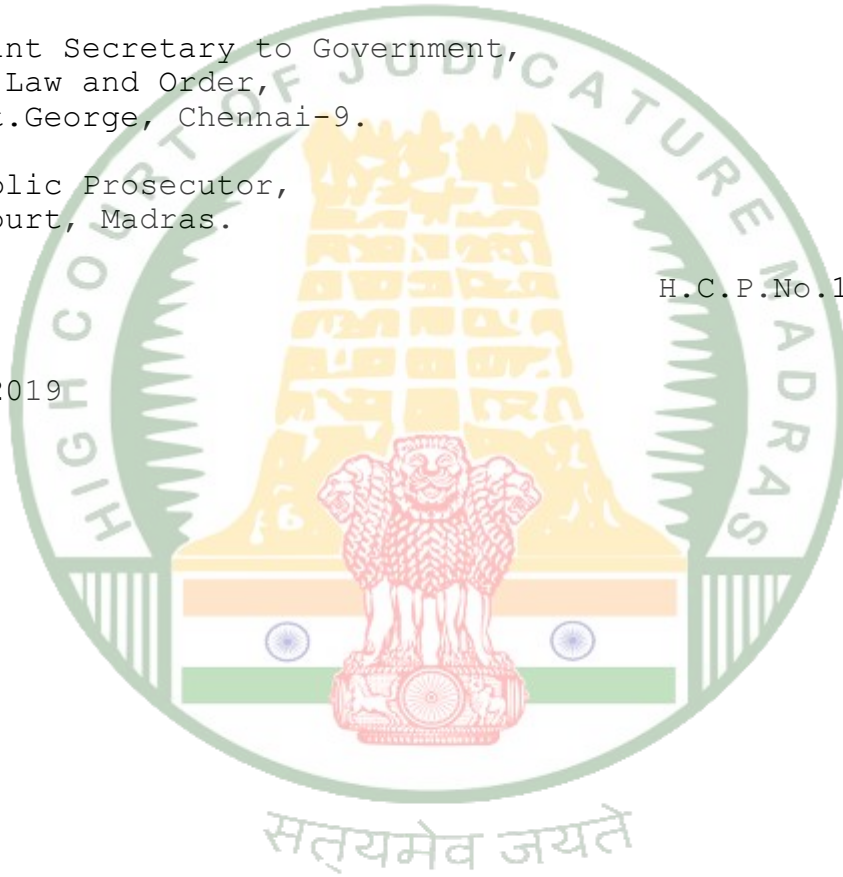
mmi/ssm

To

1. The Commissioner of Police,
Greater Chennai, Chennai.
2. The Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise
Department, Fort St.George,
Chennai - 600 009.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Joint Secretary to Government,
Public Law and Order,
Fort St.George, Chennai-9.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1031 of 2019

PVS (CO)
CS/20/09/2019



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