



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24/2/2020

C O R A M

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE TMT.TEEKAA RAMAN

H.C.P.No.2470 of 2019

Krishnaveni ... Petitioner

Vs

1. State of Tamil Nadu
rep. By its Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009.
2. The District Collector and
District Magistrate of Cuddalore District
Cuddalore. ... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for the entire records relating to petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 27/9/2019 on the file of the second respondent made in Proceedings C3/D.O/71/2019 and quash the same as illegal and consequently direct the respondents herein to produce this Hon'ble Court and set the petitioner's son at liberty from detention, now petitioner's son detained at Central Prison, Cuddalore.

For Petitioner : Mr.C.C.Chellappan

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the mother of the detenu viz.Gopi, S/o. Venkadachalam, aged 25, who has been branded as a 'Goonda'



under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in C3/D.O/71/2019 dated 27/9/2019.

2. When the matter is taken up for consideration, the only ground raised by the learned counsel for the petitioner is that the detaining authority while arriving at the subjective satisfaction has relied upon the bail granted to the accused Sathish Kumar by the Court of District Sessions, Cuddalore in O.T.P.S.Cr.No.22 of 2019 for the offences alleged under Sections 397 and 353 of the Indian Penal Code. Therefore, there is non-application of mind on the part of the detaining authority in not considering the case of the detenu, while arriving at the subjective satisfaction. Since bail granted in similar case, there is a likelihood of granting bail in the ground case also, whereas the ground case was registered in Crime No.247 of 2019 under Sections 341, 294 (b) and 397 of the Indian Penal Code. Without looking into this aspect, mechanically, order has been passed which would vitiate the order of detention.

3. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Gopi, S/o. Venkatadachalam, in C3/D.O/71/2019, dated 27/9/2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar (CO-MDU)

//True Copy//

Sub Assistant Registrar

mvs.

To

- 1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009.
- 2.The District Collector and
District Magistrate of Cuddalore District
Cuddalore.
- 3.The Superintendent,
Central Prison, Cuddalore



4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2470 of 2019

RGN(CO)
CB(09/07/2020)