

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

Coram

The Hon'ble Mr. Justice P.N.PRAKASH
and
The Hon'ble Mr. Justice V.SIVAGNANAM

H.C.P. Nos. 261, 262 and 266 of 2020

Elumalai

..Petitioner
in all HCPs

Vs.

1. The Secretary to the Government of India, Ministry of Home Affairs, (Department of Internal Security), North Block, New Delhi - 1.
2. The State of Tamil Nadu Rep. by the Secretary to Govt. Public (Law and Order), Dept, Secretariat, Chennai - 09.
3. The District Collector, Tiruchirappalli District.
4. The Deputy Collector(i/c), Kottappattur Refugee Camp, Tiruchirappalli.
5. The Superintendent of Police, Q-Branch CID, Chennai - 04.
6. The Commissioner of Police, Greater Chennai.

..Respondents
in all HCPs

Prayer in HCP No. 261/2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas calling for the records in connection with the order of detention passed by the second respondent dated 17.09.2019 by the third respondent based on G.O.(ID) No.426/2006 dated 09.09.2019 against petitioner friend namely Valkov Boris Ventsislavov, male, aged 33 years, S/o.Ventsislavov, who is confined at Kottappattu Refugee Camp, Tiruchirappalli District, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

Prayer in HCP No. 262/2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas calling for the records in connection with the order of detention passed by the second respondent dated 17.09.2019 by the third respondent based on G.O.(ID) No.426/2006 dated 09.09.2019 against petitioner friend namely Bozhichkov Nikolay Katev, male, aged 31 years, S/o.Bozhickvo, who is confined at Kottappattu Refugee Camp, Tiruchirappalli District, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

Prayer in HCP No. 266/2020: Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas calling for the records in connection with the order of detention passed by the second respondent dated 17.09.2019 by the third respondent based on G.O.(ID) No.426/2006 dated 09.09.2019 against petitioner friend namely Spasov Loyubomir Maksimov, male, aged 31 years, S/o. Maksimov, who is confined at Kottappattu Refugee Camp, Tiruchirappalli District, and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner
in all HCPs ... Mr.Gopalakrishnan
For Respondents
in all HCPs ... Mr.R.Prathap Kumar
Addl. Public Prosecutor
for R2 to R6

COMMON ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

A common friend of three detenus, namely, 1) Nikolay Katev, aged about 29 years, 2) Boris Vensistavo, aged about 30 years and 3) Spasov Llyubomir Maksimov, aged about 30 years, has filed these petitions challenging the detention of the three detenus under the Foreigners Act, 1946.

2. It is the case of the State that these three detenus were involved in C.C.B - PS Crime No.217 of 2019, for the offences under Sections 420, 467, 468, 417 IPC and Section 63 of the Information Technology Act, they were arrested and on release, they were lodged in the Special Camp for Foreigners on the ground that they were required to face trial in Crime No. 217 of 2019.

3. The police completed the investigation and filed charge-sheet in C.C.No.1121 of 2020 in the Court of Judicial Magistrate-No.1(F.A.C), Alandur against the three detenus.

4. The trial Court vide judgment and order dated 20.01.2021, has convicted them and sentenced to various terms of imprisonment and has also set-off under Section 428 Cr.P.C.

5. In the light of the above, these habeas corpus petitions stand closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

ssm
To

Sub Assistant Registrar

1. The Secretary to the Government of India,
Ministry of Home Affairs,
(Department of Internal Security),
North Block,
New Delhi - 1.

2. The State of Tamil Nadu
Rep. by the Secretary to Govt.
Public (Law and Order), Dept,
Secretariat, Chennai - 09.

3. The District Collector,
Tiruchirappalli District.

4. The Deputy Collector(i/c),
Kottappattur Refugee Camp,
Tiruchirappalli.

5. The Superintendent of Police,
Q-Branch CID, Chennai - 04.

6. The Commissioner of Police,
Greater Chennai.

7. The Public Prosecutor,
High Court, Madras.

H.C.P. Nos. 261, 262
and 266 of 2020

ad(CO)
rv(11/02/2021)