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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and

THE HONOURABLE MS. JUSTICE R.N.MANJULA

H.C.P.No.637 of 2021

S.Noorjehan

W/o.Jamal @ Jamaludeen

.. Petitioner

Vs.

1.The Lieutenant Governor,
Rajnivas, Pudhucherry.

2.The Special Secretary to Government,
Home Department,
Government of Puducherry,
Chief Secretariat,
Gubert Avenue,
Puducherry - 605 001.

3.The District Magistrate-cum-Authorised Officer,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

4.The Chief Superintendent of Jail,
Central Prison,
Kalapet, Pudhucherry.

5.The Station House Officer,
Villianur Police Station,
Pudhucherry.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in in No.01/DM/RO/D2/PPASAA/2021 dated 13.03.2021 on the file of the third respondent and quash the same as illegal and consequently, direct the respondents to produce the petitioner's husband Jamal @ Jamaludeen s/o.Rahim, aged about 34 years, who is now confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner : Mr.R.Jayaprathap

For Respondents: Mr.V.Balamurugane

Public Prosecutor (Puducherry)



ORDER

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

The petitioner is the wife of the detenu viz., Jamal @ Jamaludeen s/o.Rahim, aged about 34 years. The detenu has been detained by the third respondent by his order in No.01/DM/RO/D2/PPASAA/2021 dated 13.03.2021, holding him to be a "Dangerous Person", as contemplated under sub-section (1) of section 3 of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010). 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 Public Prosecutor (Puducherry) appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3. It is seen that, in this case, the detenu was involved in Crime No.490/2020 for offences u/s.341, 302 r/w 34 IPC, in which, he was released on bail on 28.12.2020, whereas the detention order has been passed only on 13.03.2021. In the detention order, the detaining authority has not stated sufficient reasons for coming to the conclusion that the detenu is likely to commit acts prejudicial to law and order in future, especially, in the light of the fact the detenu was not involved in any other case, after he was released on bail. Hence, the detention order is vitiated for non-application of mind.

In the result, the Habeas Corpus Petition is allowed and the order of detention in No.01/DM/RO/D2/PPASAA/2021 dated 13.03.2021 passed by the third respondent is set aside. The detenu, viz., Jamal @ Jamaludeen s/o.Rahim, aged about 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Lieutenant Governor,
Rajnivas, Puducherry.



2.The Special Secretary to Government,
Home Department,
Government of Puducherry,
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Puducherry - 605 001.

3.The District Magistrate-cum-Authorised Officer,
1st Floor, Vazhadvavoor Road,
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Puducherry - 605 009.

4.The Chief Superintendent of Jail,
Central Prison,
Kalapet, Puducherry.

5.The Station House Officer,
Villianur Police Station,
Puducherry.

6.The Joint Secretary to Government of Tamil Nadu,
Public, Law and Order Department,
Secretariat, Chennai - 9.

7.The Public Prosecutor,
Puducherry.

H.C.P.No.637 of 2021

A.SK(11.10.2021)