

(2006) 10 MAD CK 0086

In the Madras High Court

Case No : Habeas Corpus Petition No. 861 of 2006

Baba @ Ramesh

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 25-10-2006

Acts Referred:

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 3(1)

Citation : (2006) 10 MAD CK 0086

Hon'ble Judges : S. Tamilvanan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : C.C. Chellappan, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Allowed

Judgement

P. Sathasivam, J.—The petitioner, by name Baba @ Ramesh, who is detained as a ""Bootlegger"" as contemplated u/s 3(1) of the Tamil

Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers

and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 24.07.2006, challenges the same in this

Petition.

2. Heard learned Counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned Counsel for the petitioner, by drawing our attention to the order of the learned Principal Sessions Judge, Vellore, dated

06.06.2006 made in Crl.M.P. No. 4616/2006(bail application), has submitted that the detaining authority has pre-determined to detain the detenu

under Act 14 of 1982, which vitiates the ultimate order of detention passed by him.

4. We have verified the order passed by the learned Principal Sessions Judge, Vellore, which is available at page No.48 of the paper book

supplied to the detenu. The learned Judge, while passing the order in the bail application filed by the detenu, has mentioned that the learned Public

Prosecutor has submitted that the police have already taken steps to detain him under Goondas Act. Based on the same, the bail application was

dismissed on 06.06.2006, whereas the detention order was passed on 24.07.2006. As rightly pointed out by the learned Counsel for the

petitioner, the information passed on to the Court amply shows that the respondents have pre-determined to detain the detenu under Act 14 of

1982, which vitiates the ultimate detention order passed by the detaining authority. On this ground the detention order is liable to be quashed and

accordingly, the same is quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty

forthwith from the custody unless he is required in some other case or cause.