

(2007) 07 MAD CK 0098
In the Madras High Court
Case No : H.C.P. No. 263 of 2007

R. Rukmani Ammal

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 30-07-2007

Acts Referred:

Penal Code, 1860 (IPC) — Section 307, 336, 341, 384, 397
Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders,
Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 2

Citation : (2007) 07 MAD CK 0098

Hon'ble Judges : R. Banumathi, J;P.K. Misra, J

Bench : Division Bench

Advocate : M. Soban, for the Appellant; Babu Muthu Meeran, Addl. P.P., for the Respondent

Final Decision : Dismissed

Judgement

R. Banumathi, J.—The petitioner challenges the detention order dated 14.12.2007, whereby the Petitioner's son was detained, branding

him as "Goonda" as contemplated u/s 2(f) of Tamil Nadu Prevention of Dangerous activities of Bootleggers, Drug Offenders, Forest Offenders,

Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].

2. Heard Mr. M. Soban, learned Counsel for the petitioner and Mr. M. Babu Muthu Meeran, Addl. PP., learned Counsel for the respondent.

3. The detenu had earlier come to adverse notice in seven theft cases in various police stations in and around the city of Chennai. The modus

operandi alleged is that the detenu and his associates would divert the attention of two wheelers and car riders and while so diverting their

attention, would commit theft of huge amount of cash and gold jewels either

from the vehicles or from the person. The ground case refers to the occurrence on 30.11.2006, on which date the detenu is alleged to have wrongfully restrained the defacto complainant and extorted money by putting him in instant fear of hurt. A case was registered in Cr.No. 724/2006 under Sections 341, 397, 307, 384, 336 and 506(2) IPC in V5 Thirumangalam Police Station and the detenu was remanded to custody. On being satisfied that the detenu is indulging in prejudicial activities to the maintenance of public order, detention order was clamped on him branding him as ""Goonda"" under Act 14/1982.

4. Challenging the impugned detention order, the learned Counsel for the petitioner mainly contended that the discrepancy in Tamil and English version of the remand order would vitiate the detention order. It was contended that as per English version of remand order dated 1.12.2006, the detenu was remanded till 12.12.2006 [paper book page 281]. In Tamil translation furnished to the detenu, remand order is dated 12.12.2006 and remand was extended till 19.12.2006 [page 283 of the paper book]. Though in the affidavit grounds of challenge this point has been raised, in the earlier representation dated 20.01.2007, the variation in the English and Tamil version of remand order has not been indicated. While passing the detention order, the Detaining Authority has to be satisfied that the detenu is in custody. In our view, the variation in the English and Tamil version of remand order could not have caused any confusion in the mind of the detenu so as to cause prejudice to the detenu in making the representation.

5. In the representation dated 20.01.2007, sent by the mother of the detenu, it is stated that the detenu has moved bail applications in Cr.Nos. 723/2006 and 724/2006 and both applications were dismissed by XIII Metropolitan Magistrate Court on the ground that steps had been taken for detaining the detenu under Act 14/1982. The learned Counsel for the petitioner has submitted that while the detenu had moved the bail applications, the said fact was not considered by the Detaining Authority and without proper application of mind in the grounds of detention, the Detaining Authority had stated that ""the detenu had not moved any bail application"". The Sponsoring Authority has filed affidavit before the Detaining Authority on 13.12.2006. On the same day 13.12.2006, the Sponsoring Authority had also filed a report stating that so far, no bail

application has been filed. In the representation dated 20.01.2007, mother of detenu had stated that detenu had filed bail application and the same was dismissed on the representation by the Assistant Public Prosecutor about the proposal to detain the detenu under Bootleggers Act. Neither the date of bail application nor number of Miscellaneous Petition has been indicated. The petitioner had also not produced the copy of the bail application before us showing that the bail application was filed even before passing of the detention order. We are unable to accept the contention that there was mis-statement of facts regarding filing of bail application.

6. On behalf of the detenu, no other ground of challenge has been raised. We find no reason for interference with the impugned detention order and the Habeas Corpus Petition is dismissed.