

(2006) 03 MAD CK 0325

Madras High Court

Case No: HCP No. 1301 of 2005

Smt. Lakshmi

APPELLANT

Vs

The Commissioner of
Police and The
Secretary to
Government,
Prohibition and Excise
Department

RESPONDENT

Date of Decision: March 13, 2006

Hon'ble Judges: P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench: Division Bench

Advocate: TI. S.N. Prahbhakaran, for the Appellant; M.K. Subramanian, Government
Advocate, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

P. Sathasivam, J.

The petitioner, grand mother of detenu-Rathinam, who was detained as Goonda in the impugned proceedings dated 5-9-2005 of the first respondent under the provisions of Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Act 14 of 1982).

2. Heard the learned counsel for the petitioner as well as Government Advocate for respondents.

3. At the foremost, learned counsel for the petitioner by drawing our attention to the averments in para 4 of the grounds of detention and pointing out that inasmuch as the detenu has not moved any bail application till the date of passing of the detention order, the awareness of the detaining authority that there is imminent

possibility of the detenu coming out on bail is not supported by material, accordingly the ultimate detention order is liable to be quashed. With reference to the said contention, we verified para 4 of the grounds of detention. It is seen that the detaining authority was aware of the fact that the detenu Rathinam in remand in G3 Police Station Crime No. 797/2005 and also noted that he has not moved any bail application till the date of passing of the detention order. However, after finding that by filing bail application before the Sessions Court or the higher Courts, it would be possible for him to come out and taking note of his past activities and after finding that he will come out on bail, he will indulge in further activities, which will be prejudicial to the maintenance of public order, passed the impugned detention order. In such circumstances, we find no merit in the contention of the learned counsel for the petitioner.

4. By taking us through certain pages in the paper book, namely, pages 1, 3, 7, 41, 43 etc., learned counsel for the petitioner submitted that those documents are not legible and readable. We verified those pages. We are satisfied that those pages are readable and legible.

5. Finally, learned counsel for the petitioner submitted that though in the arrest memo it is stated that arrest of the detenu was intimated to one Madhavan. According to the petitioner, the said Madhavan, father of the detenu is no more. However, the learned Government Advocate has brought to our notice that in the confessional statement of the detenu which is available at page 68, the detenu has specifically stated that his father's name is Madhavan and at present he is employed as a parcel agent in a leather company at Periamed. In such a circumstance and in the light of the statement of the detenu, there is no reason to disbelieve the information of the respondent that his arrest was intimated to the said Madhavan. Accordingly, we reject the said contention also.

6. In the light of what is stated above, we do not find any reason to interfere with the detention order; accordingly, this petition is dismissed.