



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.03.2015
CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.1285 of 2014

Guna @ Rowdy Guna @ Gunaseelan .. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. By The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9.
- 2.The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Pudukkottai District, Pudukkottai.
- 3.The Superintendent of Central Prison,
Central Prison,
Tiruchirappalli District. .. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for entire records connected with the detention order passed in P.D.O.No.14/2014, dated 15.10.2014 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner namely Guna @ Rowdy Guna @ Gunaseelan, Son of Marimuthu, aged 34 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty forthwith and pass such further or other orders.

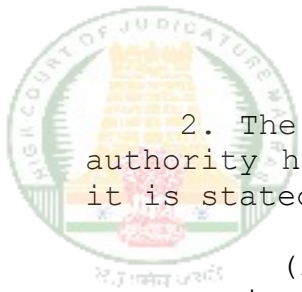
For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.A.Ramar,
Additional Public Prosecutor.

ORDER

(Order of the Court was made by **A.SELVAM, J**)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to detention order passed in P.D.O.No.14/2014, dated 15.10.2014 by the detaining authority, who has been arrayed as second respondent herein against the detention by name Guna @ Rowdy Guna @ Gunaseelan, Son of Marimuthu and quash the same and thereby set him at liberty forthwith.



2. The Inspector of Police, Karambakudi Police Station as sponsoring authority has submitted an affidavit to the detaining authority, wherein it is stated that the detenu has involved in the following adverse cases:

(i) Crime No.291 of 2012 Karambakudi Police Station registered under Sections 294(b), 323, 324 and 506(ii) of the Indian Penal Code.

(ii) Crime No.107 of 2014 Karambakudi Police Station registered under Section 379 of the Indian Penal Code.

(iii) Crime No.46 of 2014 Malaiyur Police Station registered under Section 379 of the Indian Penal Code.

(iv) Crime No.187 of 2014 Alangudi Police Station registered under Section 379 of the Indian Penal Code.

(v) Crime No.193 of 2014 Karambakudi Police Station registered under Section 379 of the Indian Penal Code.

(vi) Crime No.194 of 2014 Karambakudi Police Station registered under Section 379 of the Indian Penal Code.

(vii) Crime No.195 of 2014 Karambakudi Police Station registered under Section 379 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 24.09.2014 one Karuppaiah as complainant has given a complaint in Karambakudi Police Station against the detenu and the same has been registered in Crime No.199 of 2014 under Sections 392 read with 397 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

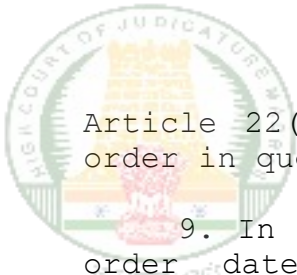
4. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu is a habitual offender and ultimately branded him as 'Goonda' by way of passing the impugned detention order and in order to quash the same, the present Habeas Corpus Petition has been filed by the detenu himself as petitioner.

5. On the side of the respondents a detailed counter has been filed, wherein it has been contended to the effect that all the averments made in the petition are false and ultimately prayed to dismiss the same.

6. The learned counsel appearing for the petitioner/detenu has contended that on the side of the petitioner/detenu a representation has been submitted and the same has not been disposed of without delay and therefore the detention order in question is liable to be quashed.

7. The learned Additional Public Prosecutor has contended that the representation submitted by the petitioner/detenu has been duly considered and disposed of without delay and therefore the detention order in question is not liable to be quashed.

8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that in between Column Nos.7 to 9, eight clear working days are available and in between Column Nos.12 and 13, seven clear working days are available and no explanation has been given on the side of the respondents with regard to inordinate delay in disposing of the representation submitted by the petitioner/detenu and that itself would affect the rights of the detenu guaranteed under



Article 22(5) of the Constitution of India and therefore the detention order in question is liable to be quashed.

9. In fine, this Habeas Corpus Petition is allowed and the detention order dated 15.10.2014 passed in P.D.O.No.14/25014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Guna @ Rowdy Guna @ Gunaseelan, Son of Marimuthu at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(CO)

\\True copy\\

Sub Assistant Registrar

To

1. THE SECRETARY TO GOVERNMENT HOME, PROHIBITION AND EXCISE DEPARTMENT, FORT ST. GEORGE, CHENNAI.
2. THE DISTRICT COLELCTOR AND DISTRICT MAGISTRATE, O/O. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, PUDUKKOTTAI DISTRICT, PUDUKKOTTAI.
3. THE DIRECTOR GENERAL OF POLICE CHENNAI-600 004
4. THE INSPECTOR OF GENERAL OF POLICE (INTELIGENCE) CHENNAI-600 002
5. THE INSPECTOR OF GENERAL OF POLICE CENTRAL ZONE, THIRUCHIRAPPALLI
6. THE SUPERINTENDENT OF POLICE PUDUKKOTTAI DISTRICT PUDUKKOTTAI
7. THE DEPUTY INSPECTOR GENERAL OF POLICE, TIRUCHIRAPPALLI RANGE, TIRUCHIRAPPALLI-620 001
8. THE SUPERINTENDENT OF CENTRAL PRISON, CENTRAL PRISON, TRICHY.
(IN DUPLICATE TO COMMUNICATE THE DETENEU)
9. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER MADE IN
H.C.P (MD) No.1285 of 2014
11.03.2015

ps

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