



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 31.03.2015
CORAM:

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

HABEAS CORPUS PETITION(MD)No.1292 of 2014

Manimegalai .. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.
 - 2.The District Collector,
Karur District, Karur.
 - 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.
- .. 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 relating to the detention of the petitioner's son Gopi, aged 26 years, Son of Muniyappan Under Act 14/82 vide detention order dated 10.10.2014 on the file of the second respondent herein made in Cr.M.P.No.09/2014 and quash the same as illegal and consequently direct the respondents herein to produce the body or person of the said detenu now confirmed at Central Prison, Trichy before this Court and thereafter set him at liberty and pass such further or other orders.

For Petitioner : Mr.T.Chandra Sekaran

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 Cr.M.P.No.09/2014, dated 10.10.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Gopi, Son of Muniyappan and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Kulithalai 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.19 of 2014 Karur District Palaviduthi Police Station registered under Section 392 of the Indian Penal Code.

(ii) Crime No.90 of 2014 Karur District Lalapet Police Station registered under Sections 342 and 394 of the Indian Penal Code.

(iii) Crime No.224 of 2014 Karur District Kulithalai Police Station registered under Section 379 of the Indian Penal Code.

(iv) Crime No.331 of 2014 Karur District Kulithalai Police Station registered under Section 392 of the Indian Penal Code.

(v) Crime No.216 of 2014 Trichy District Mannachanallur Police Station registered under Section 392 of the Indian Penal Code.

(vi) Crime No.145 of 2014 Karur District Thogamalai Police Station registered under Section 392 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 14.08.2014 one Saroja, Wife of Jeganathan as complainant has given a complaint to the Inspector of Police, Kulithalai Police Station against the detenu and the same has been registered in Crime No.325 of 2014 under Section 392 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 revoke the same, the present Habeas Corpus Petition has been filed by the mother of the detenu as petitioner.

5. On the side of the respondents a detailed counter has been filed, wherein it has been contended *inter alia* 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 has contended that on the side of the detenu three representations have been submitted and the same are not 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 all the representations submitted by the detenu are duly considered and disposed of without delay and therefore the detention order in question need not be quashed.

8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that with regard to first representation in between Column Nos.7 to 9, four clear working days are available and in between Column Nos.12 and 13, three clear working days are available. With regard to second representation in between Column Nos.12 and 13, eight clear working days are available and with regard to third representation in between Column Nos.7 to 9, six clear working days are available and no explanation has been given on the side of the respondents with regard to huge delay in disposing of the representations



submitted on the side of the 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 passed in Cr.M.P.No.09/2014, dated 10.10.2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Gopi, Son of Muniyappan at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

1. THE SECRETARY TO GOVT HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI-9.
2. THE DISTRICT COLLECTOR KARUR DISTRICT, KARUR.
3. THE SUPERINTENDENT OF PRISON TRICHY CENTRAL PRISON, TRICHY
(IN DUPLICATE FOR COMMUNICATION TO THE DETENUE)
4. THE JOINT SECRETARY TO GOVT. PUBLIC(LAW & ORDER) FORT ST.GEORGE,
CHENNAI-9
5. THE INSPECTOR OF POLICE KULITHALAI POLICE STATION, KULITHALAI,
KARUR DISTRICT
6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1cc to MR.T.CHANDRASEKARAN, ADVOCATE SR.NO.15864

ORDER MADE IN
H.C.P (MD) No.1292 of 2014
31.03.2015

PS

NA/01/04/2015/P3/8C