



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.02.2015
CORAM:

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

HABEAS CORPUS PETITION(MD)No.1299 of 2014

S.Jeyanthi .. Petitioner

Vs.

- 1.The Commissioner of Police,
Tiruchirappalli District.
- 2.The State rep. By,
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 3.The Sub Inspector of Police,
Woriyur Police Station,
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 records in C.No.33/Detention/C.P.O/T.C/2014, dated 14.10.2014 and to direct the respondents herein to produce the detenu Raja @ Kitchan Raja @ Rajasekar, Son of Subburayalu, aged 25 years, who has been termed as "Goonda" and now confined in Central Prison, Tiruchirappalli and set aside the same and set the detenu at liberty.

For Petitioner : Mr.T.Senthil Kumar
For Respondents : Mr.A.Ramar,
Addl.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 C.No.33/Detention/C.P.O/T.C/2014, dated 14.10.2014 by the detaining authority, who has been arrayed as first respondent herein against the detenu by name Raja @ Kitchan Raja @ Rajasekar and quash the same and thereby set him at liberty forthwith.

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



(i) Crime No.44 of 2014 Government Hospital Police Station registered under Sections 323 and 365 altered into Sections 147, 148, 364 and 302 read with 34 of the Indian Penal Code.

(ii) Crime No.338 of 2014 Government Hospital Police Station registered under Sections 294(b), 323 and 506(i) of the Indian Penal Code.

3. Further it is stated in the affidavit that on 24.09.2014 one Selvam, Son of Moorthy has given a complaint against the detenu and others in Woraiyur Police Station and the same has been registered in Crime No.519 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 perusing the averments made in the affidavit coupled with other connected documents has derived subjective satisfaction to the effect that the detenu is a habitual offender and thereby 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 mother of the detenu 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 has contended that on the side of the detenu a representation has been given 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 on the side of the detenu has been duly considered and disposed of without delay and therefore the detention order in question does not require any interference.

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, six clear working days are available and in between Column Nos.12 and 13, five 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 representation 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 dated 14.10.2014 passed in C.No.33/Detention/C.P.O/T.C/2014 by the first respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Raja @ Kitchan Raja @ Rajasekar at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(T & P)

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1. THE COMMISSIONER OF POLICE TRICHY DISTRICT.

2. THE SECRETARY TO GOVERNMENT HOME,
PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI - 9.

3. THE JOINT SECRETARY TO GOVERNMENT PUBLIC (LAW & ORDER)
FORT. ST. GEORGE, CHENNAI-9

4. THE SUB INSPECTOR OF POLICE WORİYUR POLICE STATION,
TRICHY.

5. THE SUPERINTENDENT OF CENTRAL PRISON, TIRUCHIRAPPALLI

6. THE DIRECTOR GENERAL OF POLICE CHENNAI

7. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1 CC TO M/S.T.SENTHIL KUMAR, ADVOCATE SR.NO.6743

ORDER MADE IN
H.C.P (MD) No.1299 of 2014
13.02.2015

PS

NA/16/02/2015/P3/9C