



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2015

CORAM:

**THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

HABEAS CORPUS PETITION(MD)No.1421 of 2014

Ramasamy .. Petitioner

Vs.

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent of Police,
Madurai Central Prison,
Madurai 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 of the Respondent No.2 in No.69/BCDFGISSSV/2014, dated 19.11.2014 and quash the same and direct the respondents to produce the body or person of the detenu namely Ramasamy, Son of Chinnapandi, aged about 32 years detained in Madurai Central Prison before this court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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 No.69/BCDFGISSSV/2014, dated 19.11.2014 by the detaining authority, who has been arrayed as



second respondent herein against the detenu by name Ramasamy, Son of Chinnapandi and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, B-4 Keeraithurai 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 case:

Crime No.336 of 2014 B5 South Gate Police Station registered under Sections 147, 148, 341 and 302 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 06.11.2014 one Ramesh as complainant has given a complaint to the Inspector of Police, B4 Keeraithurai Police Station against the detenu and the same has been registered in Crime No.501 of 2014 under Sections 392 read with 397 and 506(ii) 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 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 detenu himself as petitioner.

5. Despite of repeated adjournments, on the side of the respondents counter has not been filed. Under the said circumstances, this Habeas Corpus Petition is disposed of on the basis of the contention putforth on the side of the petitioner.

6. The learned counsel appearing for the petitioner/detenu has contended that three representations have been submitted by the detenu to the concerned authority and the same have not been disposed of and therefore the detention order in question is liable to be quashed.

7. As pointed out earlier, despite of repeated adjournments counter has not been filed. Further, it is seen from the grounds that three representations have been submitted by the detenu to the concerned authority and the same have not been disposed of, this Court is of the view that the detention order in question is liable to be quashed.

8. In fine, this Habeas Corpus Petition is allowed and the detention order dated 19.11.2014 passed in No.69/BCDFGISSSV/2014 by the second respondent/detaining authority is quashed and



consequently the respondents are directed to set the detenu viz., Ramasamy, Son of Chinnapandi at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar (Per. Admn.)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
3. The Superintendent of Police,
Madurai Central Prison,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Joint Secretary to Government of Tamilnadu,
Public (Law & order) Department, Fort St. George, Chennai-9.

+1cc to Mr. R. Alagumani, Advocate, in SR. No. 10318

ORDER MADE IN
H.C.P (MD) No. 1421 of 2014
03.03.2015

ps

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