



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE T.MATHIVANAN

HABEAS CORPUS PETITION(MD)No.1501 of 2014

Rajendran

..Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Ariyalur District,
Ariyalur.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy 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 Cr.M.P.No.18/2014, dated 29.11.2014 and quash the same and direct the respondents to produce the detenu namely Rajendran, Son of Krishnamoorthy, aged about 35 years detained in Trichy Central Prison before this Court and set him at liberty forthwith and pass such further or other orders.

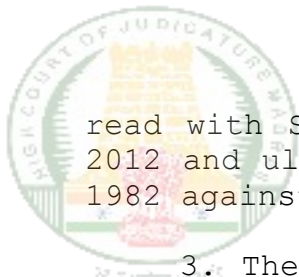
For Petitioner : Mr.R.Ramanatha Sethupathi
For Respondents : Mr.A.Ramar,
Additional Public Prosecutor.

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.18/2014, dated 29.11.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Rajendran, Son of Krishnamoorthy and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, Jayankondam All Women Police Station as
<https://hservices.ecourts.gov.in/hservices/> has submitted an affidavit to the detaining
authority, wherein it is stated that the detenu has involved in the
ground case registered in Crime No.15 of 2014 under Section 5(f), (II)



read with Section 6 of Protection of Children from Sexual Offences Act, 2012 and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

3. 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 in the habit of committing sexual offence 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.

4. On the side of the respondents a 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.

5. 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.

6. 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 does not require any interference.

7. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that in between Column Nos.6 to 9, fifteen clear working days are available and in between Column Nos.12 and 13, nine 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 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.

8. In fine, this Habeas Corpus Petition is allowed and the detention order dated 29.11.2014 passed in Cr.M.P.No.18/2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Rajendran, Son of Krishnamoorthy at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

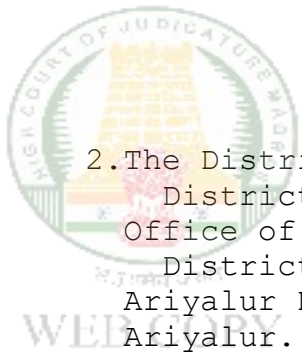
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.



2.The District Collector and
District Magistrate,
Office of the District Collector and
District Magistrate,
Ariyalur District,
Ariyalur.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.
(For duplicate to communicate the detenue)

4.The Joint Secretary to Government,
Public (Law & Order), Fort St.George,
Chennai-9.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.R.Ramanatha Sethupathi, Advocate in SR.12304

H.C.P (MD) No.1501 of 2014
12.03.2015

ps

PBK 16/03/2015 ::3P-8C: