



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

HABEAS CORPUS PETITION(MD)No.1534 of 2014

Ravi @ Suttithalai Ravi

.. Petitioner

Vs.

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

2.The Commissioner of Police,
Madurai City,
Madurai - 625 001.

.. 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 relating to the detention order passed by the second respondent in No.87/BCDFGISSSV/2014, dated 04.12.2014 and quash the same and direct the respondents to produce the body or person of the detenu namely Oru Rupaaikkaran @ Sutti Munees @ Muneeswaran, Son of Ravi @ Suttithalai Ravi, aged about 19 years, before this Court and set him at liberty, now detained at Borstal School, Purudkkottai.

For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr.C.Ramesh

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 No.87/BCDFGISSSV/2014, dated 04.12.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Oru Rupaaikkaran @ Sutti Munees @ Muneeswaran, Son of Ravi @ Suttithalai Ravi and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, C.2 Subramaniapuram 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.107 of 2014 B6 Jaihindpuram Police Station registered under Sections 294(b), 353, 332, 307, 506(ii) of the Indian Penal Code altered into Sections 147, 148, 294(b), 353, 332, 307 and 506(ii) of the Indian Penal Code.



(ii) Crime No.633 of 2014 C3 S.S Colony Police Station registered under Sections 147, 148, 341, 302 and 109 of the Indian Penal Code altered into Sections 147, 148, 341, 302, 109 of the Indian Penal Code and also under Sections 4 and 5 of Explosive Substances Act, 1908.

3. Further it is stated in the affidavit that on 23.09.2014 one Nagendran, Son of Pitchai as complainant has given a complaint to the Inspector of Police, C2 Subramaniapuram Police Station against the detenu and the same has been registered in Crime No.880 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 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 father of the detenu as petitioner.

5. On the side of the respondents 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 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 on the side of the petitioner has been duly considered and disposed of without delay and therefore the detention order in question does not call for 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, four 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 passed in No.87/BCDFGISSSV/2014, dated 04.12.2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Oru Rupaaikkaran @ Sutti Munees @ Muneeswaran, Son of Ravi @ Suttithalai Ravi at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar



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To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Madurai City,
Madurai - 625 001.

3.The Superintendent,
Borstal School, Pudukottai.

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

+1cc to MR.S.MAHENDRAPATHY, ADVOCATE IN SR NO.17729

ORDER MADE IN
H.C.P (MD) No.1534 of 2014
08.04.2015

RG.09.04.2015

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