



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.04.2015

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

H.C.P. (MD) No.103 of 2015

Selvam

.. Petitioner

Vs.

1.The Principal Secretary to Government,  
Home, Prohibition & Excise Department,  
State of Tamilnadu,  
Secretariat, Chennai - 9.

2.The District Magistrate & District Collector,  
Theni District, Theni.

3.The Inspector of Police,  
Cumbum North Police Station,  
Theni District.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus to call for entire records connected with the detention order dated 10.01.2015 passed in Detention Order No.02/2015/C3 by the second respondent and quash the same and direct the respondents to produce the body and person of the detenu namely Jeyaprakash S/o.Selvam aged about 28 years now detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.M.Pitchaimuthu

For Respondents : Mr.C.Ramesh  
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 the detention order passed in Detention Order No.02/2015/C3 dated 10.01.2015 by the detaining authority who has been arrayed as second respondent herein against the detenu by name Jeyaprakash S/o.Selvam and quash the same and thereby set him at liberty forthwith.



2. The Inspector of Police, Cumbum 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.293 of 2013 - Cumbum North Police Station, registered under Section 392 of the Indian Penal Code.
- (ii) Crime No.345 of 2013 - Cumbum North Police Station, registered under Section 392 of the Indian Penal Code.
- (iii) Crime No.20 of 2014 - Cumbum South Police Station, registered under Section 392 of the Indian Penal Code.
- (iv) Crime No.136 of 2014 - Cumbum south Police Station, registered under Section 392 of the Indian Penal Code.
- (v) Crime No.359 of 2014 - Cumbum North Police Station, registered under Section 392 of the Indian Penal Code.
- (vi) Crime No.410 of 2013 - Cumbum North Police Station, registered under Section 392 of the Indian Penal Code.

Further it is stated in the affidavit that on 18.12.2014 one Thamaraiselvi W/o.Thamarai Manickam has given a complaint against the detenu in Cumbum North Police Station and the same has been registered in Crime No.441 of 2014 under Sections 392, 397 and 506(ii) of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

3. The detaining authority after perusing the averments made in the affidavit and other connected documents has derived subjective satisfaction to the effect that the detenu is a professional 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.

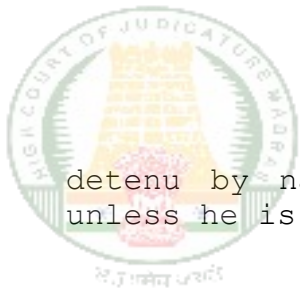
4. On the side of the respondents a detailed counter has been filed, wherein it has been contended that all the averments made in the petition are false and ultimately prayed to dismiss the same.

5. The learned counsel appearing for the petitioner 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 impugned detention order is liable to be quashed.

6. The learned Additional Public Prosecutor has contended that the representation submitted on the side of the detenu has been duly disposed of without delay and therefore, the detention order in question need not be quashed.

7. On the side of the respondents, a proforma has been submitted, wherein it has been clearly stated that in between column Nos.7 and 9, 11 clear working days are available and in between column Nos.12 and 13, 13 clear working days are available and no explanation has been given on the side of the respondents and that itself would affect 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.

<https://hcservices.ecourts.gov.in/hcservices/>  
In fine, this Habeas Corpus Petition is allowed and the detention order dated 10.01.2015 passed in Detention Order No.02/2015/C3 by the detaining authority/second respondent herein is quashed and the



detenu by name Jeyaprakash is ordered to be set at liberty forthwith, unless he is required to be incarcerated in any other case.

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Sd/  
Assistant Registrar

/True copy/

sub Assistant Registrar (C.S)

To

- 1.The Principal Secretary to Government,  
Home, Prohibition & Excise Department,  
State of Tamilnadu,  
Secretariat, Chennai - 9.
- 2.The District Magistrate & District Collector,  
Theni District, Theni.
- 3.The Inspector of Police,  
Cumbum North Police Station,  
Theni District.
- 4.The Addl.Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- 5.The Superintendent, Central Prison, Madurai.
6. The Joint Secretary to the Government,  
Public (Law & Order) Fort St. George,  
Chennai - 600 009.

+1cc to M/S.M.PICHAIMUTHU, Advocate in SR.No. 21033

TS/23.04.2015/3P-8C

H.C.P. (MD) No.103 of 2015

20.04.2015