



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.06.2015

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THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P. (MD) No.218 of 2015

M.Prasanth

.. Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus praying to call for the the records relating to the detention order passed by the 1st Respondent in No.14/BCDFGISSSV/2015 dated 03/02/2015 and quash the same and direct the Respondents to produce the body or person of the detenu namely Jeyarani W/o. Late. Muniyandi, aged 40 years before this Court and set her at liberty.

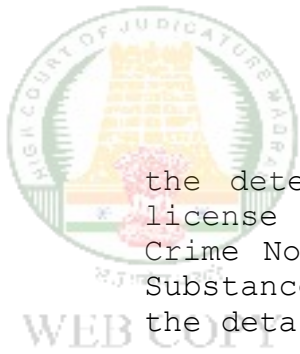
For Petitioner	: Mr.R.Maheswaran
For Respondents	: Mr.C.Ramesh Addl.Public Prosecutor

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 No.14/BCDFGISSSV/2015 dated 03/02/2015 by the detaining authority who has been arrayed as first respondent herein against the detenu by name Jeyarani W/o.Muniyandi, and quash the same and thereby set her at liberty forthwith.

2. The Inspector of Police, B3, Teppakulam 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.



3. Further it is stated in the affidavit that on 19.01.2015 the detenu is found in possession of 1.200 grams of ganja without license and due to that a case has been registered against her in Crime No.81 of 2015 under Sections 8(c) r/w 20(b)(ii)(B) of Narcotic Substances and Psychotropic Substances Act 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 and other connected documents has derived subjective satisfaction to the effect that the detenu is a 'habitual offender' and ultimately branded her as 'drug offender' 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 son 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 detenu has been duly 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, 6 clear working days are available and in between column Nos.12 to 13, 2 clear working days are available and no explanation has been given on the side of the respondents with regard to such delay in disposing of the representation submitted on the side of the detenu and that itself would affect her rights 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 03.02.2015 passed in No.14/BCDFGISSSV/2015 by the detaining authority/first respondent herein is quashed and the detenu by name Jeyarani is ordered to be set at liberty forthwith, unless she is required to be incarcerated in any other case.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar



2.The Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

3.The Superintendent of Prison,
Special Prison for Women,
Trichirappalli.

(In Duplicate for communication to Detenu)

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

5.The Inspector of Police,
B3 Teppakulam Police Station,
Madurai.

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

+1cc to Mr.R.Maheswaran, Advocate Sr.No.34779

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