



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and

THE HONOURABLE MR.JUSTICE V.S.RAVI

HABEAS CORPUS PETITION (MD) No.353 of 2015

Bhuvaneswari

.. Petitioner

Vs.

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

2.The Commissioner of Police,
Madurai City.

.. 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 the entire records, relating to his son's detention under Tamil Nadu Act 14 of 1982 vide detention order passed in No.90/BCDFGISSSV/2014 dated 17.12.2014 on the file of the second respondent herein and quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son Prasanth, Son of Rajendran, aged about 24 years before this Court and set him at liberty and pass such further or other orders.

For Petitioner : Mr.S.Ravi

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.90/BCDFGISSSV/2014 dated 17.12.2014 by the detaining authority, who has been arrayed as second respondent herein, against the detenu by name Prasanth, Son of Rajendran and quash the same and thereby set him at liberty forthwith.

2. The Inspector of Police, D2 Sellur (Crime) Police Station as <https://poservices.ecourts.gov.in/hcservices/> 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.140 of 2014 B3 Teppakulam Police Station registered under Sections 147, 148, 341 and 302 of the Indian Penal Code.

(ii) Crime No.1124 of 2014 D1 Tallakulam (Crime) Police Station registered under Section 392 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 09.11.2014 one Saravanan as defacto complainant has given a complaint against the detenu in D2 Sellur (Crime) Police Station and the same has been registered in Crime No.1118 of 2014 under Section 392 read with Sections 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 fact 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 mother of the detenu as petitioner has filed the present Habeas Corpus Petition.

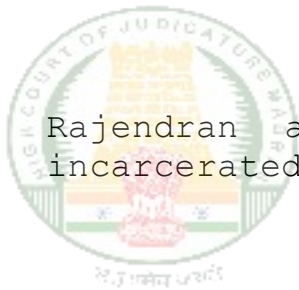
5. On the side of the respondents, counter has been filed wherein it has been contended to the effect that all the averments made in the petition are false and ultimately prayed to dismiss the same.

6. The learned counsel appearing for the petitioner has contended that on the side of the detenu a representation has been submitted, but 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 need not be quashed.

8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that in between Column Nos.12 and 13, sixteen 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 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.90/BCDFGIISSSV/2014 dated 17.12.2014 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Prasanth, Son of



Rajendran at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

SD

ASST REGISTRAR -RTI

TRUE COPY

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SUB ASST REGISTRAR

ps

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Joint Secretary to Government of Tamil Nadu,
Public Law and Order Dept, Fort ST.GEORGE. CHENNAI.
- 3.The Commissioner of Police,
Madurai City.
- 4.The Superintendent of Central Prison, Madurai
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR J. ANANDKUMAR, ADV SR: 41813

DM 28/7/15 - 3P 7C

ORDER MADE IN
H.C.P (MD) No.353 of 2015

27.07.2015