



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.03.2016

CORAM:

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

HABEAS CORPUS PETITION (MD) No.1771 of 2015

Sangayamary Jeyanthi

.. Petitioner

Vs.

1.State represented by

The Secretary to the Government,
(Home - Prohibition and Excise Department),
Secretariat, Chennai.

2.The District Collector cum District Magistrate,
Perambalur District,
Perambalur.

3.The Inspector of Police,
Padalur Police Station,
Perambalur District.

4.The Superintendent of Prisons,
Central Prison,
Trichirappalli.

.. 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 records relating to the order passed by the District Collector, perambalur cum District Magistrate in Cr.M.P.No.21 of 2015 dated 28.11.2015 and directing the person or body of the detenu by name Jones alias Jones Darwin, son of the petitioner, aged 18 years, now detained in Central Jail, Tiruchirappalli to be produced before this Court and directing him to be released forthwith for being taken care of the petitioner and set him at liberty.

For Petitioner : Mr.S.K.Mani

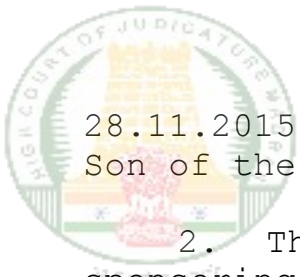
For Respondents : Mr.C.Ramesh

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 by the detaining authority, who has been arrayed as second respondent herein, in Cr.M.P.No.21 of 2015 dated



28.11.2015 against the detenu by name Jones alias Jones Darwin, Son of the petitioner and quash the same.

2. The Inspector of Police, Padalur 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.388 of 2014 Ponmalai Police Station registered under Section 392 of the Indian Penal Code.

(ii) Crime No.99 of 2015 Ariyamangalam Police Station registered under Sections 294(b), 323, 324 and 506(ii) of the Indian Penal Code.

(iii) Crime No.768 of 2015 Perambalur Police Station registered under Section 392 of the Indian Penal Code.

3. Further it is stated in the affidavit that on 03.10.2015 at about 11.00 hours, one Pagutharivalan, Son of Natarajan has given a complaint against the detenu and others in Padalur Police Station and the same has been registered in Crime No.384 of 2015 under Section 392 of the Indian Penal Code and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

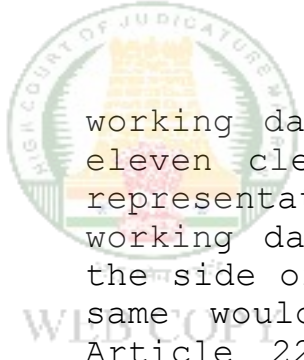
4. The detaining authority, after considering the averments made in the affidavit and other connected documents and also considering the fact that the detenu is a habitual offender, has derived subjective satisfaction and passed the impugned detention order by way of branding him as Goonda and in order to quash the same, the present petition has been filed by the mother of the detenu.

5. On the side of the respondents, counter has been filed wherein it has been clearly stated 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, two representations have been submitted to the concerned authority and the same are not disposed of without delay and therefore the detention order in question is liable to be quashed.

7. Per contra, the learned Additional Public Prosecutor appearing for the respondents has represented that the representations submitted on the side of the detenu are duly disposed of without delay and therefore the detention order does not call for any interference.

<https://hcservices.courts.gov.in/hcservices/> 8. On the side of the respondents, a proforma has been submitted wherein it has been clearly stated that with regard to first representation in between Column Nos.7 to 9, four clear



working days are available and in between Column Nos.12 and 13, eleven clear working days are available. In respect of second representation in between Column Nos.12 and 13, eleven clear working days are available and no explanation has been given on the side of the respondents with regard to such huge delay and the same 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 Cr.M.P.No.21 of 2015 dated 28.11.2015 by the second respondent/detaining authority is quashed and consequently the respondents are directed to set the detenu viz., Jones alias Jones Darwin, Son of the petitioner at liberty forthwith, unless he is required to be incarcerated in connection with any other case.

Sd/-

Assistant Registrar(CO.Dept)

/True copy/

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

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To

- 1.The Secretary to the Government,
(Home - Prohibition and Excise Department),
Secretariat, Chennai.
- 2.The District Collector cum District Magistrate,
Perambalur District, Perambalur.
- 3.The Inspector of Police,
Padalur Police Station, Perambalur District.
- 4.The Superintendent of Prisons,
Central Prison, Trichirappalli.
(In duplicate copy communicate to detenu)
- 5.The Joint Secretary to Government Public (Law & Order)
Fort St., George, Chennai-9
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.S.K.Mani, Advocate, SR No.14018

ORDER MADE IN
H.C.P (MD) No.1771 of 2015
11.03.2016