



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P(MD)No.1554 of 2016

Karthick @ 'Gundu'Karthick : Petitioner
Vs.

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

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, to call for the entire records, connected with the detention order of the second respondent in No.80/BCDFGISSSV/2016, dated 09.11.2016 and quash the same and direct the respondents to produce the detenu, by name Karthick @ 'Gundu'Karthick, son of Pounraj, aged about 25 years now detained in Madurai Central Prison, Madurai, before this Court and set him at liberty forthwith.

For Petitioner
For Respondents

: Mr.R.Alagumani

: Mr.C.Ramesh

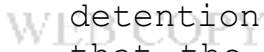
Additional Public Prosecutor.

O R D E R

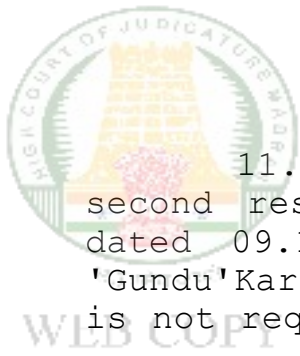
[Order of the Court was made by T.S.SIVAGNANAM, J.]

The petitioner is the detenu - Karthick @ 'Gundu'Karthick, aged about 25 years. The detenu has been detained by the second respondent by his order in No.80/BCDFGISSSV/2016, dated 09.11.2016, holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel for the petitioner and the learned counsel for the respondents. We have also perused the records produced by the Detaining Authority.



10. In the subject case, admittedly, there is an inordinate and unreasonable delay of 4 days in submitting the remarks by the Detaining Authority and 16 days in considering the representation. The impugned detention order is, therefore, liable to be quashed.



11. In the result, the Detention Order, passed by the second respondent, in his proceedings in No.80/BCDFGISSSV/2016, dated 09.11.2016, is quashed. The detenu, namely, Karthick @ 'Gundu'Karthick, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

12. In the upshot, we allow the Habeas Corpus Petition.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 4.The Joint Secretary to Government of Tamil Nadu,
Public (Law and Order), Fort Saint George,
Chennai-9
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Ssl/myr
RL/6C/3P/MR/SAR2/26.4.2017

H.C.P (MD) No.1554 of 2016