



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P (MD) No.1713 of 2016

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: Petitioner

Vs.

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

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thiruvavarur District, Thiruvavarur.

3.The Superintendent of Prison,
Trichirappalli Central Prison,
Trichirappalli 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 C.O.C.No.23/2016, dated 13.12.2016 and quash the same and direct the respondents to produce the body or person of the detenu, by name, Ravichandran @ Matturavi, son of Pethaperumal, aged about 55 years, now detained at Tiruchirappalli Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.C.Ramesh

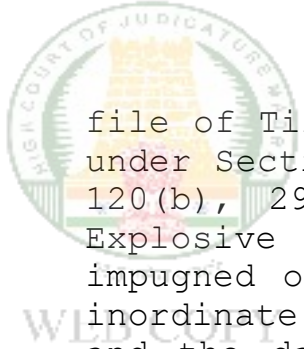
Additional Public Prosecutor.

O R D E R

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

The petitioner is the wife of the detenu - Ravichandran @ Matturavi, son of Pethaperumal, aged about 55 years. The detenu has been detained by the second respondent by his order in C.O.C.No.23/2016, dated 13.12.2016, 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. The detenu has come to adverse notices in respect of two cases, namely, Crime No.46 of 2016, on the file of Vaipoor Police Station, for the offences punishable under Sections 4 and 5 of the Explosive Substances Act, 1908 and Crime No.100 of 2016, on the



file of Tiruvarur Town Police Station, for the offences punishable under Sections 147, 148, 294(b), 324, 307, 506(ii) IPC @ 147, 148, 120(b), 294(b), 307, 506(ii) IPC and Sections 3 and 4 of the Explosive Substances Act, 1908. The petitioner challenges the impugned order of detention on two grounds. Firstly, there is an inordinate delay from the date on which the detenu was arrested and the date on which the detention order was passed. Secondly, there is a delay of six days in considering the representation of the petitioner.

3. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records produced by the Detaining Authority.

4. The materials on record would show that the detenu was arrested on 21.10.2016 and the order of detention was passed on 13.12.2016. This delay remains unexplained, which would vitiate the order of detention. Furthermore, we find that there is a delay of six days in considering the representation of the petitioner, which has also not been explained.

5. For the reasons stated above, the impugned order of detention is liable to be quashed. Accordingly, the Habeas Corpus Petition is allowed and the Detention Order, passed by the second respondent, in his proceedings in C.O.C.No.23/2016, dated 13.12.2016, is quashed. The detenu, namely, Ravichandran @ Matturavi, son of Pethaperumal, aged about 55 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Thiruvarur District, Thiruvarur.
3. The Superintendent of Prison,
Trichirappalli Central Prison,
Trichirappalli District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MAS/KP/SAR1:12.06.2017:2P-5C