

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.870 of 2018

Soosairaj @ Soosai

.. Petitioner

Vs.

1. The Secretary to Government,
Government of India,
Ministry of Home Affair,
Department of Internal Security,
North Block, New Delhi-100 001.

2. The Secretary to Government,
Raj Nivas, Puducherry.

3. The District Magistrate-cum-
Authorised Officer,
Puducherry.

4. Chief Superintendent,
Central Prison,
Kalapet, Puducherry.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records relating to the order of detention No.03/DM/RO/D2/PRASAA/2018 dated, 24/04/2018 passed by the 3rd respondent and to quash the same and also to direct the detenu Soosairaj @ Soosai, S/O.Joseph Philip, who is presently detained in the Central Prison, Puducherry to be produced before this Hon'ble court and set at liberty.

For Petitioner : Mr.S.Xavier Felix

For Respondents: Mr.D.Bharathachakkaravarthy
Public Prosecutor

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

Challenge is made to the order of detention passed by the
third respondent vide Proceedings in
No.03/DM/RO/D2/PPASAA/2018 dated 24.04.2018, whereby the

detenu, by name, Soosairaj @ Soosai, son of Joseph, aged about 29 years, was ordered to be detained under Sub Section (2) of Section 3 of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010) branding him as a "DANGEROUS PERSON".

2. The detenu has come to adverse notice in the following case:-

Sl.No	Police Station & Cr.No.	Section of Law
1.	Odiansalai Police Station Cr.No.168/2007	341, 323 r/w 34 IPC
2.	Odiansalai Police Station Cr.No.254/2007	147, 148, 336, 427, 506 (ii) r/w 149 IPC
3.	Odiansalai Police Station Cr.No.82/2008	326, 324, 506(ii) r/w 34 IPC
4.	Odiansalai Police Station Cr.No.150/2008	143, 307 r/w 149 IPC and 109 IPC and Section 3 of Explosive Substance Act
5.	Odiansalai Police Station Cr.No.77/2009	506(ii) IPC & 27 of Arms Act
6.	Odiansalai Police Station Cr.No.311/2009	452, 427, 506(ii) r/w 34 IPC
7.	Reddiarpalayam Police Station Cr.No.140/2009	Man Missing @ 147, 364, 302, 303, 201 r/w 149 IPC
8.	Mudaliarpet Police Station Cr.No.234/2011	452, 302, 307 IPC r/w 34 IPC @ 147, 148, 452, 302, 307, 109 IPC r/w 149 IPC
9.	Odiansalai Police Station Cr.No.01/2012	399, 402 IPC
10.	Odiansalai Police Station Cr.No.61/2012	399, 402 IPC
11.	Thavalakuppam Police Station Cr.No.91/2012	147, 148, 341, 332, 333, 302, 307, 109 IPC & Sec.3 of Explosive Substances Act, 1908 r/w 149 IPC & Section 3 of Prevention of Damage to Public Properties Act, 1984

Sl.No	Police Station & Cr.No.	Section of Law
12.	Kalapet Police Station Cr.No.27/2013	143, 294, 353, 224, 506(i) r/w 149 IPC
13.	Kalapet Police Station Cr.No.29/2013	353 IPC, 42 of Prisoner Act, 1894
14.	Odiansalai Police Station Cr.No.199/2015	143, 342, 387 r/w 149 IPC & 109 IPC

The ground case has been registered against the detenu in Cr.No.21/2018 on the file of Inspector of Police, Vellore North (Law & Order) Police Station for offences u/s 147, 148, 448, 323, 324, 307 IPC and Section 3 of TNPPDL Act, 1992. The detention order has been passed by third respondent in No.03/DM/RO/D2/PPASAA/2018.

3. We have heard learned counsel for petitioner and learned Public Prosecutor as also perused the records.

4. Learned Public Prosecutor (Puducherry) would submit that the order of detention dated 24.04.2018 has not been confirmed in keeping with Section 3(3) of The Puducherry Prevention of Anti-Social Activities Act, 2008.

5. This Court is of the view that the detention order is unsustainable in law on the ground of inordinate and unexplained delay of 2 days in passing the detention order and the same is liable to be set aside.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

सत्यमेव जयते

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

kmi

To:

1. The Secretary to Government,
Government of India, Ministry of Home Affair,
Department of Internal Security,
North Block, New Delhi-100 001.

2.The Secretary to Government,
Raj Nivas, Puducherry.

3.The District Magistrate-cum-
Authorised Officer, Puducherry.

4. Chief Superintendent,
Central Prison,
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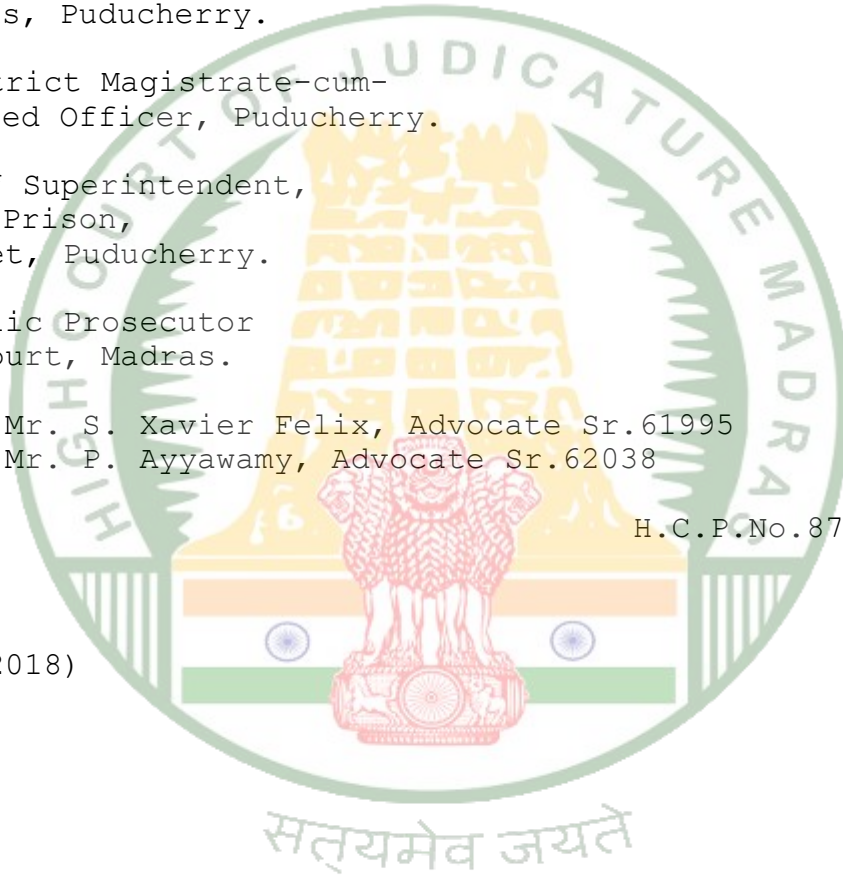
5.The Public Prosecutor
High Court, Madras.

+ 1 cc to Mr. S. Xavier Felix, Advocate Sr.61995

+ 1 cc to Mr. P. Ayyawamy, Advocate Sr.62038

H.C.P.No.870 of 2018

RK(CO)
EU(16/11/2018)



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