



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE T.KRISHNAVALLI

HCP [MD].No.1728 of 2017

Durai

: Petitioner

Vs.

1. State of Tamil Nadu

The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.

2. The District Collector and District Magistrate,

O/o. The District Collector and
District Magistrate
Tiruchirappalli District, Tiruchirappalli

3. The Superintendent,

Central Prison, Tiruchirappalli

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records in connection with the detention order passed in Cr.M.P.No.22/2017 dated 18.11.2017 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the petitioner namely, Durai, S/o.Murugesan, male, aged 28 years, who is detained in Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu

For Respondents : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

[Order of the Court was made by **S.VIMALA, J**]

The petitioner is the detenu viz.Durai, male aged about 28 years. The detenu has been detained, as per the order of the second respondent, dated 18.11.2017, under Section 2(f) of the



Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

3. The detenu has come to adverse notices in respect of eight cases, namely,

S.No	Crime Numbers	Offences	Police Station
1	189/2016	457 and 380 IPC	Thuvakudi Police Station, Trichy District
2	272/2017	457 and 380 IPC	Lalgudi Police Station, Trichy District
3	301/2017	457 and 380 IPC	Kollidam Police Station, Trichy
4	479/2017	457 and 380 IPC	Thiruverumbur Police Station, Trichy District
5	158/2017	457 and 380 IPC	Manachanallur Police Station, Trichy District
6	162/2017	457 and 380 IPC	Manachanallur Police Station, Trichy District
7	310/2017	457 and 380 IPC	Manachanallur Police Station, Trichy District

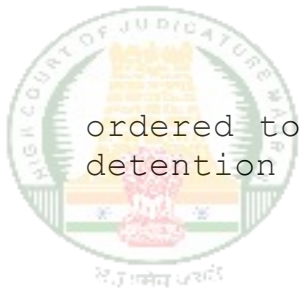
4. The petitioner challenges the impugned order of detention on the ground that there is an inordinate delay from the date on which the detenu was arrested and the date on which the detention order was passed.

5. We have considered the above submissions.

6. The materials on record would show that the detenu was arrested on 21.08.2017 and the order of detention was passed on 18.11.2017. This delay of 89 days remains unexplained, which would vitiate the order of detention.

7. For the reasons stated above, this detention order is liable to be quashed.

8. In the result, the Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in Cr.M.P.No.22/2017 dated 18.11.2017 is quashed. The detenu, namely, Durai, aged about 28 years, S/o.Murugesan, is



ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George Chennai-600009.
2. The Joint Secretary to Government,
Home Department, Secretariat, Chennai.
3. The District Collector and District Magistrate,
O/o. The District Collector and
District Magistrate
Tiruchirappalli District, Tiruchirappalli
4. The Superintendent,
Central Prison, Tiruchirappalli
(in duplicate for communication to the detenu)
5. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
6. The Director General of Police,
Egmore, Chennai.

**ORDER MADE IN
HCP [MD].No.1728 of 2017
06.03.2018**

RR

MKV-PM-PN-SAR 3/6.3.2018/3P-8C