



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2018

CORAM:

THE HONOURABLE DR. JUSTICE S.VIMALA

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

HCP [MD].No.1737 of 2017

Jai @ Jeykumar

: Petitioner

Vs.

1.The Secretary to Government

State of Tamil Nadu

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

Perambalur District, Perambalur

3.The Superintendent of Prison

Tiruchirappalli 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 entire records, connected with the detention order of the respondent No.2 in Cr.M.P.No.18/2017 dated 14.11.2017 and quash the same and direct the respondents to produce the detenu by name Jai @ Jeykumar, son of Jayaraman, aged about 27 years, detained in Tiruchirappalli Central Prison, before this Court and set him at liberty forthwith.

For Petitioner

: Mr.R.Alagumani

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.Jai @ Jeykumar, male aged about 27 years. The detenu has been detained, as per the order of the second respondent, dated 14.11.2017, 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 two cases, namely,

S.No	Crime Numbers	Offences	Police Station
1	1142/2017	294(b) and 307 IPC	Perambalur Police Station, Perambalur District
2	531/2017	392 r/w 397 IPC	Padalur Police Station, Perambalur 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 03.10.2017 and the order of detention was passed on 14.11.2017. This delay of 42 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 his proceedings in Cr.M.P.No.18/2017 dated 14.11.2017 is quashed. The detenu, namely, Jai @ Jeykumar, aged about 27 years, S/o. Jayaraman, 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 Secretary to Government
State of Tamil Nadu

<https://hcservices.apartments.gov.in/hcservices/>
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
Perambalur District, Perambalur

4.The Superintendent of Prison
Tiruchirappalli Central Prison,
Tiruchirappalli
(in duplicate for communication to the detenu)

5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
HCP [MD].No.1737 of 2017
06.03.2018

RR

MS/PM-PN/SAR.3/06.03.2018/3P.7C