



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
H.C.P(MD)No.1097 of 2018

Vasantha

.. Petitioner

Vs.

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

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

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

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the respondent No.2 in P.D.O.No.12/2018 dated 06.07.2018 and quash the same and direct the respondents to produce the body or person of the detenu, by name Rajadurai, son of Palanivelu, aged about 23 years, now confining at Tiruchirappalli Central Prison, before this Court and set him at liberty forthwith.

For Petitioner

: Mr.G.Ganesh Kumar

For Respondents

: Mr.K.Dinesh Babu

Additional Public Prosecutor.

O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The detenu has been detained by the second respondent by his order in P.D.O.No.12/2018 dated 06.07.2018, holding him as a "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. Despite three adjournments, no counter-affidavit is filed by the learned Additional Public Prosecutor.



3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that the co-accused has already been released by this Court in HCP(MD)No.612 of 2018 dated 20.06.2018, wherein it is held as follows:

"3.We have considered the above submissions.

4.An identical issue was considered by a Division Bench of this Court in T.Chitra Vs. State of Tamil Nadu, reported in 2014(2) MLJ Cr1 72 and the order of detention was set aside on the ground of non application of mind. Hence, following the said order, the detention order, passed by the second respondent in his proceedings in Detention Order P.D.O.No.07/2018, dated 16.04.2018, is quashed. The detenu, namely Murugesan @ Diesel Murugesan, S/o.Arumugam, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case."

4.In the light of the same, this Habeas Corpus Petition is allowed and the Detention Order passed by the second respondent, in P.D.O.No.12/2018 dated 06.07.2018, is quashed. The detenu, namely, Rajadurai, son of Palanivelu, aged about 23 years, is ordered to be set at liberty forthwith, if his detention is not required in connection with any other case.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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

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

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

<https://hcservices.ecourts.gov.in/hcservices/>

4.The Joint Secretary to Government,
Public (Law and Order) Fort.St.George, Chennai - 600 009.



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

• 1 CC TO Mr.G.GANESH KUMAR , ADVOCATE IN SR No.89589.

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• DS RSK SAR4 15 11 2018 3P 7C

Order made in
H.C.P (MD) No.1097 of 2018
Dated: 09.10.2018