

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No.1367 of 2019

LathaPetitioner/Wife of the Detenu

-vs-

State Rep by:

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George, Chennai - 600 009

2.The District Magistrate & District Collector,
Salem District, Salem. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in C.M.P.No.24/Goonda/C2/2019 dated 18.06.2019 on the file of the District Magistrate and District Collector, Salem District, Salem the second respondent herein and quash the same as illegal and direct the respondents to produce the detenu Aravinth, S/o.Kalaivanan, aged about 26 years now confined at Central Prison, Salem before this Court and set him at liberty.

For Petitioner सत्यमेव जयते Mr.S.Rajanikanth

:

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu - Aravinth, S/o.Kalaivanan, aged about 26 years. The detenu has been detained by the second respondent by his order in

C.M.P.No.24/Goonda/C2/2019 dated 18.06.2019, 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.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have perused the materials available on record.

3.Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 23.04.2019, the detention order was passed only on 18.06.2019 i.e., after a considerable delay of nearly two months. Therefore, the detention order has to be set aside.

4.As seen from the grounds of detention, it is clear that though the detenu was arrested on 23.04.2019, the order of detention came to be passed only on 18.06.2019 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

5.We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in C.M.P.No.24/Goonda/C2/2019 dated 18.06.2019, passed by the second respondent is set aside. The detenu, namely, Aravinth, S/o.Kalaivanan, aged about 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,Chennai - 600 009.

2.The District Magistrate & District Collector,
Salem District, Salem.

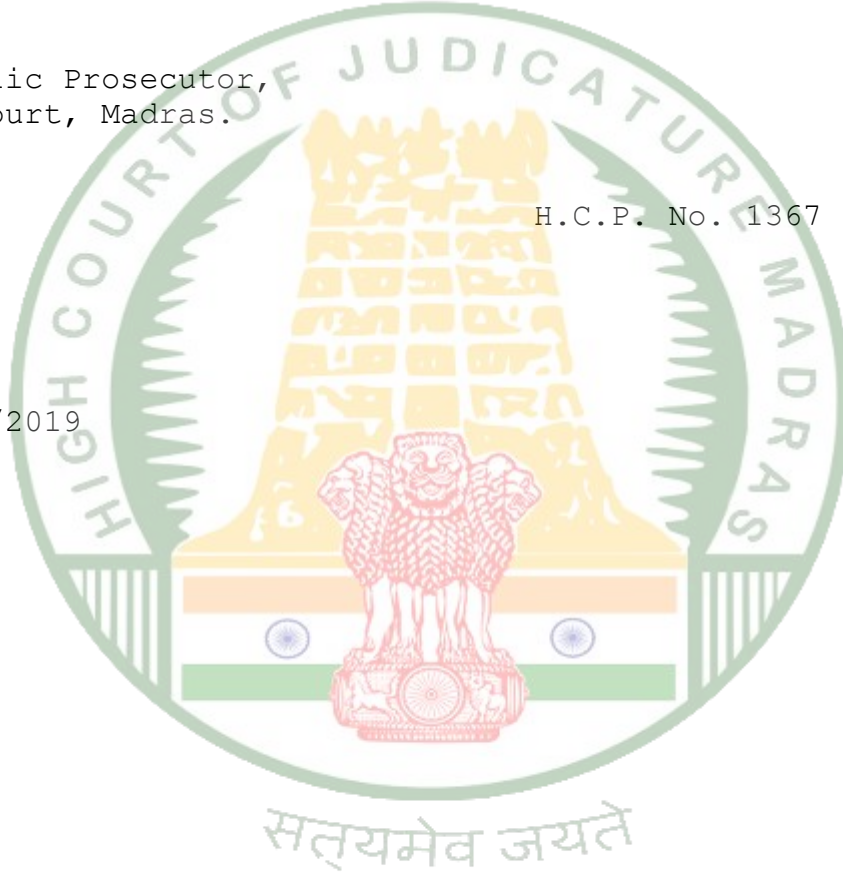
3.The Superintendent of Prison,
Central Prison,Salem.

4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1367 of 2019

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srg 08/11/2019



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