

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.18 of 2020

Sanjala

... Petitioner/Wife of the detenu

Vs

The State represented by its

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

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Habeas
Corpus, calling for the records pertaining to the Order of
Detention dated 26.08.2019 passed by the 2nd respondent bearing
No.Cr.M.P.No.21/Forest Offender/2019/C1 and quash the same and
produce the detenu Saravanan (alias) Kutti Veerappan, aged
about 47 years, S/o.Erusar, before this Court and set him at
liberty forthwith from Central Prison, Salem.

For Petitioner : Mr.R.Thirumoorthy.

For Respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor.

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner who is the wife of the detenu has
challenged the detention order passed against her husband in

Cr.M.P.No.21/Forest Offender/2019/C1 dated 26.08.2019 by the Second Respondent as the detenu has got about two adverse cases apart from one ground case registered under the provisions of Tamil Nadu Forest Act, 1882, The Wild Life (Protection) Act, 1972 and Indian Arms Act, 1959.

3.Heard Mr.R.Thirumoorthy, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.The records produced before this Court would reveal that the detenu was arrested on 17.04.2019 whereas the detention order was passed only on 26.08.2019, after four months. The delay in passing the detention order vitiates the detention order and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Cr.M.P.No.21/Forest Offender/2019/C1 dated 26.08.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Saravanan (alias) Kutti Veerappan, aged about 47 years, S/o.Erusar, who is confined at Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Erode District,
Erode.
- 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 of Madras,
Chennai.

H.C.P.No. 18 of 2020

AD(CO)
GN(30/07/2020)



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