

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.NO.285 Of 2020

Mekala

... Petitioner/
Wife of the Detenu

Vs

1.Government of Tamil Nadu,
rep.by its Secretary, Home,
Prohibition and Excise (XVI) Department,
Fort St.George, Chennai 600 009.

2.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 in Cr.M.P.No.02/Goonda/2020/C1 dated 21.01.2020 on the file of the 2nd respondent and set aside the same and direct the respondents herein to produce the body of the petitioner's husband namely the detenu Gunasekaran alias Guna, aged 29 years, son of late Kuppusamy now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Ms.R.Subadra Devi.

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 Conference".

2.This Petition has been filed by the wife of the detenu challenging the detention order passed against him in Cr.M.P.No.02/Goonda/2020/C1 dated 21.01.2020 by the second respondent as he has got three adverse cases apart from the

ground case which was registered against the detenu as he is said to have robbed Rupees five hundred and fifty from one Mr.Parthiban at knife point and First Information Report has been registered in Cr.No.647 of 2019 under Sections 397 read with 392, 506 (ii) of Indian Penal Code. It is also brought to the notice of this Court that the detenu has also got ten previous cases to his credit apart from the adverse cases and ground case and out of these cases, three cases have been registered for the offence under Section 302 of Indian Penal Code.

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

4.Though the learned Counsel for the petitioner submitted that there is a delay in disposing of the representation sent on behalf of the detenu dated 31.01.2020 and the detention order is vitiated, the learned Additional Public Prosecutor submitted that the representation was received only on 04.02.2020 and the same has been disposed on 16.03.2020 and hence, he sought for dismissing this Petition.

5.It is seen that the detenu has got fourteen cases to his credit including the adverse cases and ground case and out of which, three cases have been registered for the offence under Section 302 of Indian Penal Code. Therefore, all the necessary documents in respect of the cases in which the detenu is involved have to be collected and the same have to be placed before the authorities. Therefore, the reason for the delay is properly explained and further, even if there is any delay, it is seen that the delay is neither willful nor wanton. Therefore, the ground raised by the learned Counsel for the Petitioner is rejected.

6.Accordingly, this petition is dismissed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. Government of Tamil Nadu,
rep.by its Secretary, Home,
Prohibition and Excise (XVI) Department,
Fort St.George, Chennai 600 009.
2. The District Collector and District Magistrate,
Erode District, Erode.
3. The Superintendent of Central Prison,
Coimbatore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.285 of 2020

KS(CO)
CS/10/11/2020



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