

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

H.C.P.No.522 of 2020

Panjavarnam, Age 28,
W/o. R. Shanmugam,
S/o. Raji, Odaikkaranthittam,
Chennasamuthiram,
Kodumudi Taluk,
Erode District.

..Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
Cuddalore, Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore,
Cuddalore District.
4. The Inspector of Police,
Veppur Police Station,
Veppur, Cuddalore,
Cuddalore District.

..Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the entire file relating to impugned detention order in C3/D.O./60/2019 dated 28.08.2019 passed by the 2nd respondent herein and quash the same and set the detenu being R. Shanmugam, S/o. Raji, Hindu, aged about 39 years, presently detained in the Central Prison, Cuddalore, Cuddalore District before this Court and set him at liberty forthwith.

For Petitioner :: Mr.S. Arunkumar

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 is heard through video-conferencing.

2. The petitioner's husband viz., R. Shanmugam, S/o. Raji, aged about 39 years has been detained under Goondas Act by virtue of detention order in C3/D.O./60/2019, dated 28.08.2019 passed by the 2nd respondent. The said order is being challenged before this Court.

3. Heard Mr.S. Arunkumar, learned counsel appearing on behalf of the petitioner and Mr.R. Prathap Kumar, learned Additional Public Prosecutor.

4. According to the learned counsel appearing on behalf of the petitioner, the petitioner's husband has been detained under Tamil Nadu Act 14, 19882 on 28.08.2019 as per the detention order C3/D.O./60/2019. He has got one adverse case. The ground case was filed on 04.07.2019 in Veppur Police Station in Cr.No. 242 of 2019 under Section 341, 392 r/w 397 IPC and was arrested on 04.07.2019. In view of the antecedent he was detained under Goondas Act on 28.08.2019. He would seek setting aside the impugned order of detention.

5. The learned Additional Public Prosecutor would defend the detention order stating that the detaining authority had considered all the aspects and passed the detention order and already one adverse case is pending against the petitioner's husband and one ground case in Veppur Police Station in Cr.No. 242 of 2019 under Section 341, 392 r/w 397 IPC is pending against the petitioner's husband.

6. It is evident from the detention order that in the ground case the detenu had been arrested on 04.07.2019 and his judicial custody had been extended till 03.09.2019. It is very clear that after 54 days of the detenu's arrest, he was detained under Goondas Act on 28.08.2019 and therefore, the detention order is vitiated and this petition is liable to be allowed.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C3/D.O/60/2019 dated 28.08.2019 is hereby set aside. The detenu viz., R. Shanmugam, S/o. Raji, aged about 39 years, who is now confined at Central Prison, Cuddalore, Cuddalore District is

directed to be set at liberty forthwith unless his presence is required in connection with any other case.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
Cuddalore, Cuddalore District.
3. The Superintendent,
Central Prison, Cuddalore,
Cuddalore District.
4. The Inspector of Police,
Veppur Police Station,
Veppur, Cuddalore,
Cuddalore District.
5. The Public Prosecutor,
High Court,
Chennai 104.

सत्यमेव जयते

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