

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No.558 of 2020

Revathi ... Petitioner

vs

1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 09.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 07.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the entire records connected with the detention order of the second respondent in BCDFGISSSV No.73/2020 dated 07.02.2020 and quash the same and direct the respondents to produce the body and person of petitioner's husband namely Loganathan @ Babu, son of Rajakannan, aged about 28 years, detained in Central Prison, Puzhal, Chennai before this Court and set him at liberty forthwith.

For Petitioner .. Mr.B.M.Santharam

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

ORDER

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

Challenging the detention order passed by the second respondent dated 07.02.2020, the petitioner has come forward to file this habeas corpus petition.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Learned counsel appearing for the petitioner submitted that the detenu was arrested on 31.10.2019 whereas the detention order was passed by the second respondent only on 07.02.2020. Hence the habeas corpus petition will have to be allowed as there is a delay in passing the detention order.

4. Learned Additional Public Prosecutor, on instructions, submitted that it is a case of rape and murder of a minor girl aged about thirteen years. Therefore, necessary medical records were collected apart from the other records from the trial Court before passing the detention order. Therefore, the explanation given for the said delay will have to be considered. Thus, the habeas corpus petition will have to be dismissed.

5. We do not find any merit in this petition. We are dealing with a case of rape and murder of a young minor girl and, therefore, it is expected that the respondent would take reasonable time to collect the materials. The materials were collected not only from the medical department but also from the trial Court.

6. In such view of the matter, we are not inclined to allow this petition as we are of the view that the delay per se in the light of the explanation would not entitle the petitioner to get the detention order under challenge quashed. Accordingly, the Habeas Corpus Petition stands dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 09.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police
(Goondas Section),
Vepery, Chennai - 07.

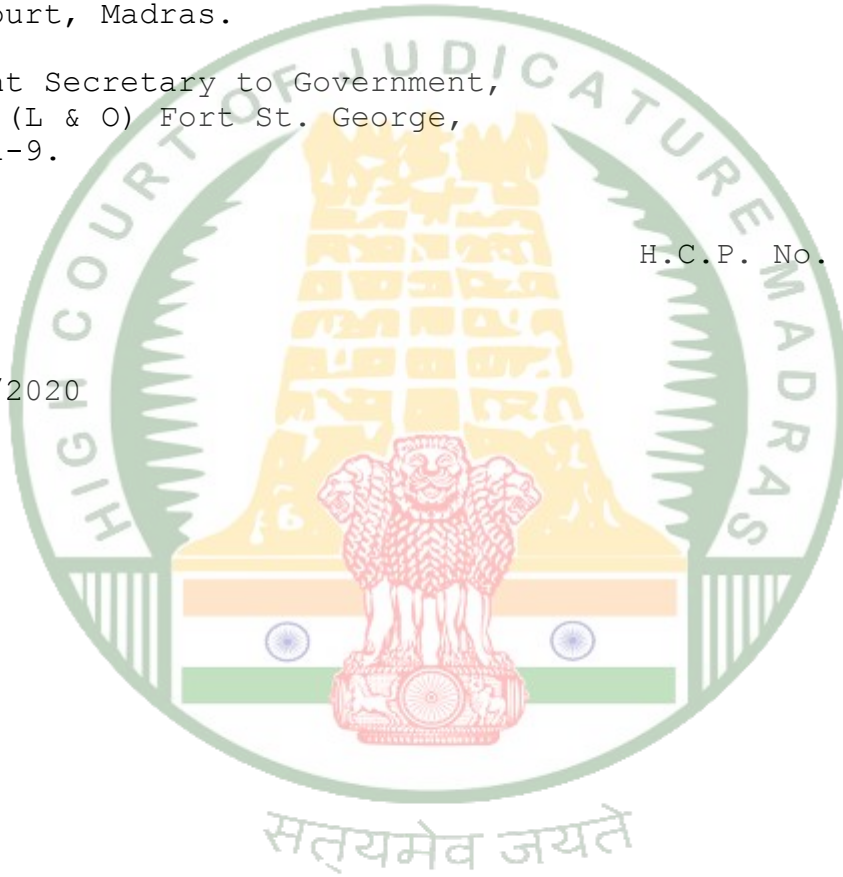
3.The Superintendent,
Central Prison, Puzhal, Chennai - 66.

4.The Public Prosecutor,
High Court, Madras.

5.The Joint Secretary to Government,
Public (L & O) Fort St. George,
Chennai-9.

H.C.P. No. 558 of 2020

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