

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

H.C.P.No.998 of 2020

Reshma ... Petitioner
Wife of the Detenu

-vs-

- 1.The State of Tamil Nadu rep. By its ... Respondents
Principal Secretary,
Department of Home, Prohibition
and Excise,
Secretariat, Chennai - 600 009.
- 2.The District Collector and
District Magistrate,
Erode District, Erode.
- 3.The Superintendent of Prison,
Central Prison, Coimbatore.
- 4.The Superintendent of Police,
Erode District, Erode.
- 5.State rep. By
The Inspector of Police,
Erode South Police Station,
Erode.

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records in Cr.M.P.No.18/Goonda/2020/C1 dated 30.05.2020 on the file of the second respondent and quash the detention order as illegal and direct the respondents to produce the detenu Saravanan @ Pura Saravanan, S/o.Devarajan, aged about 23 years, detenu, now confined at Central Prison, Coimbatore and set him at liberty.

For Petitioner : Mr.G.Pavendhan

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 Saravanan @ Pura Saravanan, S/o.Devarajan, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent by his order in Cr.M.P.No.18/Goonda/2020/C1 dated 30.05.2020, 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 also perused the records produced by the Detaining Authority.

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 01.03.2020, the detention order was passed only on 30.05.2020 i.e., after a considerable delay of nearly three 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 01.03.2020, the order of detention came to be passed only on 30.05.2020 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 Cr.M.P.No.18/Goonda/2020/C1 dated 30.05.2020, passed by the second respondent is set aside. The detenu, namely, Saravanan @ Pura Saravanan, S/o.Devarajan, aged about 23 years, is directed to be released forthwith unless his

detention is required in connection with any other case.

-Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar

mmi/ssm

To

- 1.The Principal Secretary,
Department of Home, Prohibition
and Excise, Secretariat, Chennai - 600 009.
- 2.The Joint Secretary to Government,
Public (Law and Order),
Fort.St.George, Secretariat,
Chennai-600 009.
- 3.The District Collector and
District Magistrate,
Erode District, Erode.
- 4.The Superintendent of Prison,
Central Prison, Coimbatore.
- 5.The Superintendent of Police,
Erode District, Erode.
- 6.The Inspector of Police,
Erode South Police Station,Erode.
- 7.The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

H.C.P. No.998 of 2020

GJ (CO)

UM (14.12.2020)

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