

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.1158 OF 2020

Sridevi

.. Petitioner

Vs.

1. The State rep. By its,
The Secretary to the Government
(Home), Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
Ranipet, Ranipet District,
3. The Superintendent of Police,
Ranipet, Ranipet District.
4. The Superintendent of Prisons,
O/o.Superintendent of Prisons,
Central Prison, Thorapadi, Vellore District.
5. The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam, Ranipet District.

.. Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to call for the records in pursuant to the detention order issued by the 2nd respondent vide No. B3/D.O.No.16/2020, dated 15.02.2020 and set aside the same and consequentially direct the respondents to produce the detenu Sasikumar @ Gowtham, S/o.(late) Balaji, aged about 24 years, son of the petitioner now confined at Central Prison, Vellore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Sathish Kumar
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 mother of Sasikumar @ Gowtham, S/o. (late) Balaji, aged about 24 years, who is the detenu. The detenu has been detained by the second respondent by his order in No. B3/D.O.No.16/2020, dated 15.02.2020, 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 17.12.2019, the detention order was passed only on 15.02.2020 i.e., after a considerable delay of nearly two 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 17.12.2019, the order of detention came to be passed only on 15.02.2020 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 No.B3/D.O.No.16/2020, dated 15.02.2020, passed by the second respondent is set aside. The detenu, namely, Sasikumar @ Gowtham, S/o.(late) Balaji, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

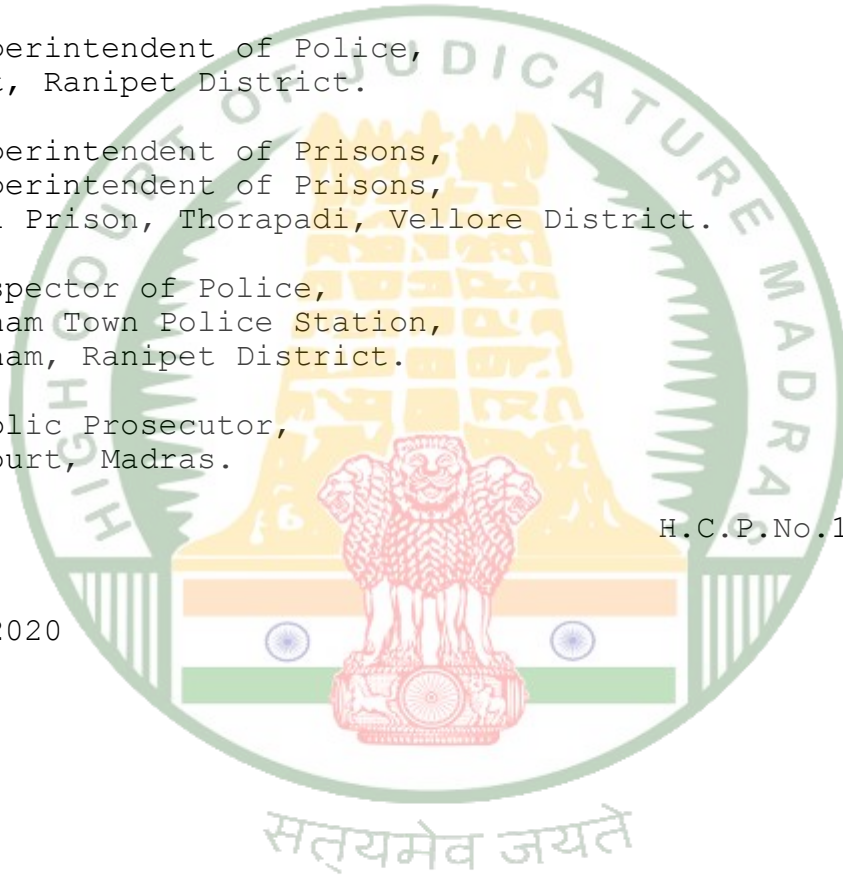
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To

1. The Secretary to the Government
(Home), Prohibition and Excise Department,
Fort St. George, Chennai 600 009.
2. The District Collector and District Magistrate,
Ranipet, Ranipet District,
3. The Joint Secretary,
Law & Order, Fort St.George,
Chennai-09.
4. The Superintendent of Police,
Ranipet, Ranipet District.
5. The Superintendent of Prisons,
O/o.Superintendent of Prisons,
Central Prison, Thorapadi, Vellore District.
6. The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam, Ranipet District.
7. The Public Prosecutor,
High Court, Madras.

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SSD(CO)
CS/14/12/2020



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