

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Ms. Justice P.T.ASHA

H.C.P. No.2599 of 2019

Vinoth ..Petitioner/Detenu

-vs-

1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2.The District Magistrate &
District Collector,
Dharmapuri. .. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent 10.09.019 in S.C.No.13 of 2019 against the petitioner Vinoth, male aged 22 years S/o.Madhu, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner .. Mr.D.Balaji
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 detenu - Vinoth, S/o. Madhu, aged about 22 years. The detenu has been detained by the second respondent by his order in S.C.No.13/2019 dated 10.09.2019, 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 perused the materials available on record.

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 08.06.2019 the detention order was passed only on 10.09.2019 i.e., after a considerable delay of more than 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 08.06.2019, the order of detention came to be passed only on 10.09.2019 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 S.C.No.13/2019 dated 10.09.2019, passed by the second respondent is set aside. The detenu, namely, Vinoth, S/o.Madhu, aged about 22 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ms

To

1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

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2.The District Magistrate &
District Collector,
Dharmapuri.

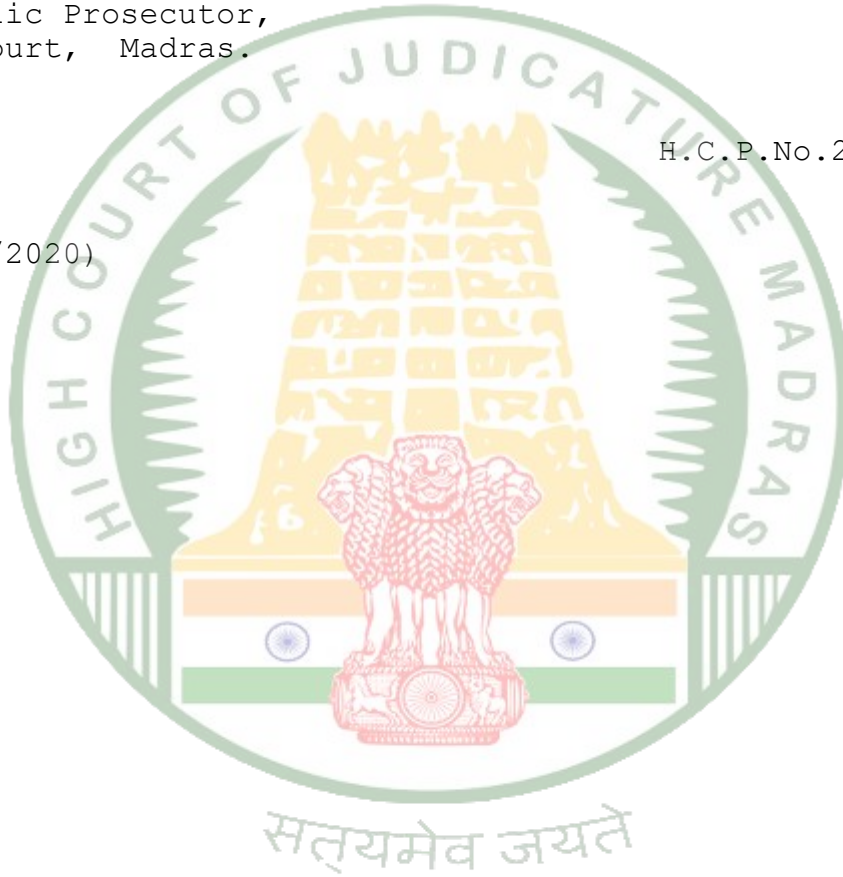
3.The Joint Secretary to Government
Public (law & order)
Fort st.George, Chennai-9

4.The Superintendent,
Central Prison,
Salem.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2599 of 2019

SR(CO)
RMP(20/07/2020)



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