



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

H.C.P.(MD) No.58 of 2020

WEB COPY

A.Sahaya Merry

... Petitioner

-vs-

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

2.The Commissioner of Police
Tiruchirappalli City
Trichy

3.The Inspector of Police
Ponmalai Police Station
Trichy City
(Crime No.399 of 2019)

4.The Superintendent of Prison
Central Prison, Trichy

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus directing the respondents to produce the person or body of detenu namely Franklin Josephraj, aged about 24/2019 years, son of Arulsamy before this Court, who is now detained in the Central Prison, Trichy, in pursuant to the detention order passed by the second respondent in C.No.39/Detention/C.P.O/T.C/2019, dated 20.12.2019 and to call for the records and quash the same and release the detenu at liberty forthwith.

For Petitioner : Mr.M.Mahendran

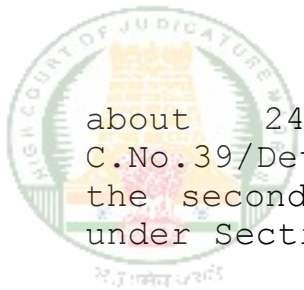
For Respondents : Mr.K.Dinesh Babu
Additional Public Prosecutor

O R D E R

(Order of the Court was made by K.KALYANASUNDARAM, J.)

This habeas corpus petition has been filed by the mother of the detenu, namely, Franklin Josephraj, son of Arulsamy, aged

<https://hcservices.ecourts.gov.in/hcservices/>



about 24 years, challenging the detention order in C.No.39/Detention/C.P.O./T.C./2019, dated 20.12.2019, passed by the second respondent, branding him as "Goonda" as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982.

2. Mr.M.Mahendran, learned counsel appearing for the petitioner, would argue that even though several grounds have been raised assailing the impugned detention order, it is liable to be quashed on three grounds, namely, inordinate and unexplained delay in disposal of the petitioner's representation; non-furnishing of legible copies of Page Nos.192 and 193 in the booklet, which deprived the valuable rights of the detenu from making effective representation to the concerned Authorities for revocation of the detention order and non-intimation of arrest of the detenu in the ground case either to his family members or his relatives in violation of one of the directions of the Honourable Apex Court in the case of ***D.K.Basu vs. State of West Bengal***, reported in ***AIR (1997) SC 610***.

3. Mr.K.Dinesh Babu, learned Additional Public Prosecutor, while reiterating the counter affidavit filed by the second respondent, would argue that the impugned detention order has been passed by the second respondent after having satisfied with the materials furnished by the Sponsoring Authority and there is no illegality or irregularity in the impugned detention order. He would further argue that the three grounds raised by the petitioner are contrary to the facts, since the representation of the petitioner was disposed of within a reasonable time, Page Nos.192 and 193 of the booklet are legible and the arrest of the detenu in the ground case was intimated to his friend, namely, Syed Sheik Moideen and therefore, prayed for dismissal of the habeas corpus petition.

4. Heard the rival submissions and perused the materials available on record.

5. In the instant case on hand, the proforma furnished by the learned Additional Public Prosecutor would indicate that as against the impugned detention order, the petitioner made a representation to the first respondent on 30.12.2019 and it was received on 06.01.2020 and on the same day i.e.06.01.2020, remarks were called for and the matter was dealt with by the Deputy Secretary. The concerned Minister dealt with the matter on 09.01.2020 and the representation came to be rejected on 10.01.2020. With regard to the second representation dated 07.01.2020 is concerned, it was received by the first respondent on 13.01.2020. Remarks were called for on 14.01.2020 and it was received 22.01.2020. The Deputy Secretary dealt with the matter on 23.01.2020. The concerned Minister dealt with the matter on 23.01.2020.



28.01.2020 and the representation came to be rejected on 29.01.2020. On careful perusal of the proforma, it is seen that there were eleven Government Holidays in the month of January, 2020. So, we are satisfied that the representations of the petitioner were dealt with in a reasonable time.

WEB COPY

6. Insofar as non-furnishing of legible copies of Page Nos.192 and 193 of the booklet is concerned, a careful perusal of the booklet would show that even though both the pages are hand-written copies, they are legible. Hence, we are unable to agree with the submission of the learned counsel for the petitioner in this regard.

7. As far as non-intimation of arrest of the detenu in the ground case either to his family members or relatives is concerned, on careful perusal of the booklet, more particularly Page No.183, the arrest of the detenu in the ground case was rightly informed to his friend, namely, Syed Sheik Moideen.

8. Therefore, for the foregoing reasons, we find no valid ground to set aside the impugned detention order passed by the second respondent and hence, the habeas corpus petition is liable to be dismissed.

9. In the result, the habeas corpus petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Krk

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To:

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

2.The Commissioner of Police,
Tiruchirappalli City,
Trichy.

3.The Inspector of Police,
Ponmalai Police Station,
Trichy City.

4.The Superintendent of Prison,
Central Prison, Trichy.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.58 of 2020
24.11.2020

VR(CO)

KM (08.12.2020) 4P 6C