



WEB COPY

H.C.P(MD)No.72 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.06.2020

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.72 of 2020

and

Cr1.M.P. (MD)No.3074 of 2020

Sagayamary Jeyanthi

: Petitioner

Vs.

1.State represented by

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

2.The Commissioner of Police,
Tiruchirapalli City,
Tiruchirapalli.

3.The Inspector of Police,
Srirangam Police Station,
Trichy District.

4.The Superintendent of Prisons,
Central Prison,
Tiruchirapalli.

: Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus to call for the records relating to the order passed by the Commissioner of Police, Tiruchirapalli City in C.No.24/Detention/C.P.O./T.C./2019, dated 20.09.2019 and directing the fourth respondent to produce the body of the detenu, by name Jones Darwin, S/o.Gnanaraj, aged 23 years, a detenu in the Central Jail at Tiruchirapalli before this Court and directing him to be released forthwith for being given medical treatment for his fracture.

For Petitioner : Mr.S.K.Mani

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

ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

The petitioner is the mother of the detenu viz., Jones Darwin, S/o.Gnanaraj, aged about 23 years. The detenu has been detained as per the order of the second respondent, dated

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



20.09.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petititioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. It is seen that at the time of clamping the detention order, the detenu was in detention in Thillainagar Police Station Crime No.89 of 2019, Trichy City Government Hospital Police Station Crime No.109 of 2019, Ariyamangalam Police Station Crime No.358 of 2019, Srirangam Police Station Crime No.367 of 2019 and the ground case in Srirangam Police Station Crime No.410 of 2019. Whereas, while arriving at the subjective satisfaction, the Detaining Authority, in the grounds of detention, has taken into consideration the remand of the detenu in the ground case, viz., Srirangam Police Station Crime No.410 of 2019 and has stated the likelihood of the detenu coming out on bail only in the said case, though the detenu was remanded in four other cases. This, in the opinion of this Court, shows lack of application of mind on the part of the Detaining Authority and on that ground, the impugned detention order is liable to be quashed.

4. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in C.No.24/Detention/C.P.O./T.C./2019, dated 20.09.2019. Consequently, the detenu, namely, Jones Darwin, S/o.Gnanaraj, aged about 23 years, who is now detained at Central Prison, Tiruchirappalli, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case/proceedings. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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.

SML/RSB



To

- 1.The Secretary to the Government,
(Home, Prohibition and Excise Department),
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Tiruchirapalli City, Tiruchirapalli.
- 3.The Inspector of Police,
Srirangam Police Station,
Trichy District.
- 4.The Superintendent of Prisons,
Central Prison,
Tiruchirapalli.
- 5.The Joint Secretary to Government,
Public (Law and Order), Fort St.George, Chennai-9
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in

H.C.P (MD) No. 72 of 2020

Dated:29.06.2020

SMA/03/07/2020/3P/7C