



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.109 of 2020

Mrs.Abdul Beevi

... Petitioner

Vs.

1.State of Tamil Nadu, rep. by its
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Sivagangai District,
Sivagangai.

3.The Superintendent,
Central Prison,
Madurai.

... 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 detention order passed by the second respondent in Cr.M.P.No.18/Goonda/2019, dated 11.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu, namely Noor Mohamed, S/o.Abdul Muthalif, aged about 25 years (now detained at Central Prison, Madurai) before this Court and set him at liberty.

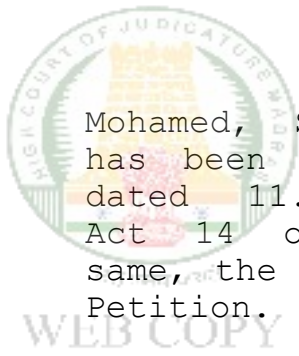
For Petitioner : Mr.B.Arun

For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

<https://hcservices.ecourts.gov.in/hcservices/> The Petitioner is the mother of the detenu viz., Noor



Mohamed, S/o.Abdul Muthalif, aged about 25 years. The detenu has been detained, as per the order of the second respondent, dated 11.09.2019, under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petitioner 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 the detenu was in remand in the ground case in Sivaganga Town Police Station Crime No.366 of 2019 and also in four adverse cases, viz., Sivaganga Town Police Station Crime Nos.104 of 2019, 210 of 2019, 224 of 2019 and 232 of 2019. However, in Paragraph No.4 of the grounds of detention, the Detaining Authority has stated about the likelihood of the detenu coming out on bail only in the ground case in Sivaganga Town Police Station Crime No.366 of 2019 and not in the other four adverse cases. This, in the opinion of this Court, shows lack of application of mind and hence, the impugned detention order is liable to be set aside.

4. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in Cr.M.P.No.18/Goonda/2019, dated 11.09.2019. Consequently, the detenu, namely, Noor Mohamed, S/o.Abdul Muthalif, aged about 25 years, who is now detained at Central Prison, Madurai, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case/proceedings.

Sd/-

Assistant Registrar ()

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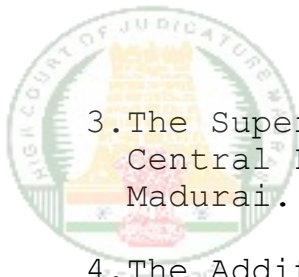
Sub Assistant Registrar(CS)

To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Sivagangai District,
Sivagangai.

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



3.The Superintendent,
Central Prison,
Madurai.

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

5.The Joint Secretary of Government,
Public(Law & Order),
Fort st.George,
Chennai 600 009.

Order made in
H.C.P. (MD) No.109 of 2020

Dated:
25.06.2020

SPU (06.07.2020) 3P-6C