



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2020

CORAM

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

H.C.P (MD) No. 634 of 2019

Kokkikumar @ Rajkumar

... Petitioner/Detenu

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District,
Ramanathapuram.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... 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 entire records connected with the Detention Order of the second respondent in T.N.P.D.A.B.C.D.F.G.I.S.S. S.V.No.7/Goonda/2019, dated 02.07.2019 and quash the same direct the respondents to produce the body or person of the detenu, by name, Kokkikumar @ Rajkumar, son of Muniyasamy, aged about 28 years, now detained at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

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

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ORDER

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

The petitioner is the detenu viz., Kokkikumar @ Rajkumar, son of Muniyasamy, aged about 28 years. The detenu has been detained, as per the order of the second respondent, dated 02.07.2019, 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. The petitioner was arrested on 23.05.2019 in the ground case in Cr.No.80 of 2019 on the file of Ramanathapuram B1 Town Police Station, for the offence under Section 302 I.P.C., read with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the detention order was passed on 02.07.2019. He gave representations on 09.07.2019 through the prison authorities to the Government, the detaining authority and the Advisory Board. The detaining authority considered the representation of the petitioner and rejected the same on 12.07.2019. However, the representation that was given to the Government was not forwarded to the Government by the detaining authority till date and therefore, the petitioner has lost an effective remedy under the Tamil Nadu Act 14 of 1982. In such view of the matter, the detention order is liable to be quashed.

3. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in T.N.P.D.A.B.C.D.F.G.I.S.S.S.V.No.7/Goonda/2019, dated 02.07.2019. Consequently, the detenu, namely, Kokkikumar @ Rajkumar, son of Muniyasamy, aged about 28 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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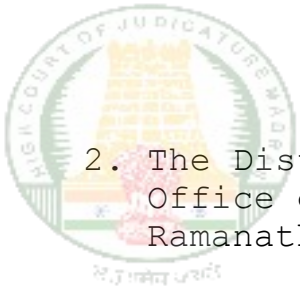
/ /2020

Sub Assistant Registrar(CS)

To

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

<https://hcservices.courtsgov.in/hcservices/>



2. The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District, Ramanathapuram.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
4. The Joint Secretary to Government,
Public(Law & order),
Fort St.George, Chennai-9.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

H.C.P (MD) No.634 of 2020
03.03.2020

rsb

AE (16.03.2020) 3P 6C