



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.842 of 2019

Charlie @ Selva Karthick

@ Charlin Selva Karthick

: Petitioner/Detenu

Vs.

1.State of Tamil Nadu,

rep. by the Secretary to Government
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.

2.The District Collector and District Magistrate
Kanyakumari District, Nagercoil.

3.The Superintendent of Prison
Palayamkottai Central Prison,
Tirunelveli District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records connected with the detention order passed in P.D.No.28/2019 dated 06.08.2019 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely, Charlie @ Selva Karthick @ Charlin Selva Karthick, aged about 26 years, S/o.Chandrakumar now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

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

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

The petitioner is the detenu viz., Charlie @ Selva Karthick @ Charlin Selva Karthick, aged about 26 years. The detenu has been detained, as per the order of the second respondent, dated 06.08.2019, 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 in this Habeas Corpus Petition.

2. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

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3. In Paragraph No.4 of the grounds of detention, the detaining authority has stated that the detenu has not filed any bail application in the adverse cases, namely, in Crime Nos.213/2019, 214/2019 and 215/2019, whereas, in the relied upon documents, it is seen that the detenu has filed a bail application in CrI.M.P.No.7783/2019 in Crime No.213/2019 on 02.08.2019 before the Judicial Magistrate, Nagercoil. Thus, it is obvious that there has been non application of mind on the part of the detaining authority and hence, on the sole ground, the detention order stands vitiated.

4. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order passed by the second respondent, in his proceedings in Detention Order in P.D.No.28/2019 dated 06.08.2019 is quashed. The detenu, namely Charlie @ Selva Karthick @ Charlin Selva Karthick, aged about 26 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

RR

To

1.The Secretary to Government

State of Tamil Nadu,

Home, Prohibition and Excise Department,

Fort St. George, Chennai-9.

2.The District Collector and District Magistrate

Kanyakumari District, Nagercoil.

3.The Superintendent of Prison

Palayamkottai Central Prison,

Tirunelveli District.

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



4.The Joint Secretary to Government
Public(Law and Order)
Fort Saint George, Chennai-9.

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

Order made in
H.C.P. (MD)No.842 of 2019
Dated: 09.03.2020

KM (26.06.2020) 3P 6C