



WEB COPY

H.C.P.(MD)No.915 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.915 of 2019

Seenu @ Indhiran

: Petitioner

Vs.

1.The Principal Secretary to Government

State of Tamil Nadu

Home, Prohibition and Excise Department,

Fort St. George, Chennai-9.

2.The District Collector and District Magistrate

Office of the District Collector and District Magistrate

Thoothukudi District,

Thoothukudi.

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 of the respondent No.2 in H.S.(M) Confdl. No.42/19 dated 29.08.2019 and quash the same and direct the respondents to produce the body or person of the detenu by name Seenu @ Indhiran, son of Arumugam, aged about 24 years now confining at Palayamkottai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner

: Mr.R.Alagumani

For Respondents

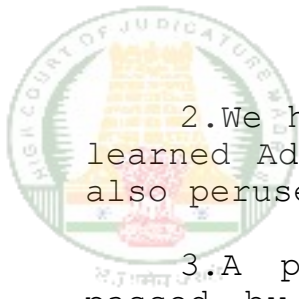
: Mr.K.Dinesh Babu

Additional Public Prosecutor

ORDER

(Order of the Court was made by B.PUGALENDHI, J.)

The petitioner is the detenu viz., Seenu Indhiran, S/o.Arumugam, aged about 24 years. The detenu has been detained, as per the order of the second respondent, dated 29.08.2019 under Section 2(f) of the Tamil Nadu Act 14 of 1982, branding him as "Goonda". Challenging the same, the petititioner/detenu 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.

3.A perusal of the Grounds of Detention dated 29.08.2019, passed by the 2nd respondent herein, would disclose among other things that the detenu, viz., Seenu @ Indhiran came to the adverse notice in the following two cases:-

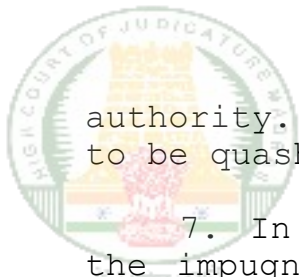
Sl. No.	Name of the Police Station and Crime No.	Section of Law
1.	Thoothukudi South Police Station Cr.No.717 of 2018	147, 148, 341, 294(b). 307, 506(II) IPC and Section 4 of TNPWH Act 2002 altered into 147, 148, 341, 294(b), 302, 506(ii) IPC and Section 4 of TNPWH Act
2.	Thoothukudi Police Station Cr.No.313 of 2019	341, 294(b), 307 and 506 (II) IPC

It is further stated in the grounds of detention that the detenu was involved in a case for the commission of offences under Sections 341, 294(b), 387 and 506(II) I.P.C. in Thoothukudi South Police Station Crime No.513 of 2019 (ground case) on the basis of the complaint given by the defacto complainant viz., Saro. The detenu was arrested on 07.08.2019 and produced before the Court of Judicial Magistrate, No.I, Thoothukudi and remanded to judicial custody on that day. The detaining authority on being satisfied with the materials placed by the sponsoring authority that the activities of the detenu are prejudicial to the maintenance of public order, clamped the order of detention and making a challenge to the same, the present Habeas Corpus Petition has been filed by him.

4.The learned counsel for the petitioner would submit that the detenu was arrested on 07.08.2019 in the second adverse case in Crime No.313/2019 as well in the ground case in Crime No.513/2019. While considering the subjective satisfaction for passing the order of detention, the detaining authority has taken into consideration the real possibility of the detenu coming out on bail in the ground case, though on the very same day, he was arrested and remanded to judicial custody in the second adverse case also.

5.Heard the learned Additional Public Prosecutor for the State.

6. While arriving at a subjective satisfaction, the detaining authority has considered the real possibility of coming out of the detenu in the ground case, in spite of the fact that the detenu has been arrested and remanded in the second adverse case also, which shows the non application of mind on the part of the detaining



authority. Hence, on this sole ground, the impugned order is liable to be quashed.

7. 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 H.S.(M) Confdl. No.42/19 dated 29.08.2019 is quashed. The detenu, namely Seenu @ Indhiran, son of Arumugam, aged about 24 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

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

- 1.The Principal Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department,
Fort St. George, Chennai-9.
- 2.The District Collector and District Magistrate
Office of the District Collector and District Magistrate
Thoothukudi District,
Thoothukudi.
- 3.The Superintendent of Prison
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
H.C.P. (MD) No.915 of 2019
Dated: 19.03.2020

AP(20/05/2020) 3P 5C