



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.05.2020**

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

H.C.P. (MD)No.920 of 2019

WEB COPY

S.Chandrasekar

: Petitioner

Vs.

1.State of Tamil Nadu

Rep. by the Principal 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
Central Prison, Palayamkottai
Tirunelveli.

: 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.30/2019 dated 27.08.2019 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 the petitioner's brother Sundar @ Sivarajan, aged about 27 years, S/o.Sivalingaperumal, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

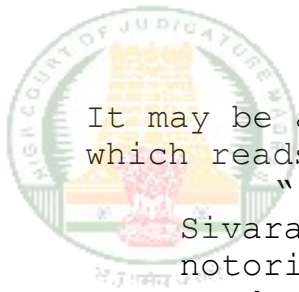
ORDER

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

The detenu has been detained as a 'Goonda' vide detention order dated 27.08.2019, challenging which, the petitioner, who is the brother of the detenu, has filed the present 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.The detention order is based on the solitary case in Crime No.301/2019 under Sections 341 and 302 IPC, which was registered on 07.07.2019. While so, in the grounds of detention, the detaining authority has stated as if the detenu was involved in several cases.



It may be apposite to extract Paragraph No.6 of the detention order, which reads thus:

"6.I am aware that the accused Thiru.Sundar @ Sivarajan is a notorious rowdy element and due to his notorious criminal activities he is being watched as a Rowdy in Suchindram Police Station vide History Sheet No.03/2019. He is committing grave crimes such as double murder, assaulting the human body with deadly weapon and thereby acted in a manner of jeopardising public peace and public order."

4. When the detention order itself is predicated on the solitary case, the subjective satisfaction that the detenu was involved in other cases cannot be sustained and hence the detention order is liable to be quashed.

5. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order, passed by the second respondent, in his proceedings in P.D.No.30/2019 dated 27.08.2019 is quashed. The detenu, namely, Sundar @ Sivarajan, S/o.Sivalingaperumal, aged about 27 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 (Crl.Side)

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/ /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
Kanyakumari District, Nagercoil.

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

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.920 of 2019

Dated: 13.05.2020