



WEB COPY

H.C.P(MD)No.930 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2020

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD)No.930 of 2019

Sathiyan

... Petitioner

Vs.

1.The Principal 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,
District Collector and District Magistrate's Office,
Theni District.

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 Detention Order No.9/2019, dated 04.09.2019 and quash the same and direct the respondents to produce the body or person of the detenu, by name Sathiyan, Son of David, aged about 51 years, now detained in Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner	:	Mr.K.S.Duraipandian
For Respondents	:	Mr.R.Anandharaj, Additional Public Prosecutor

* * * * *

ORDER

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

The petitioner is the detenu viz., Sathiyan, Son of David, aged about 51 years. The detenu has been detained, as per the order of the second respondent, dated 04.09.2019, 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

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



2. It is seen that the petitioner has been branded as a 'Goonda' and detained by the Detaining Authority on the ground that he has been involved in Periyakulam Police Station Crime No.282 of 2019 and also involved in two other cases, namely Crime Nos.280 and 281 of 2019. In all the three cases, the detenu was arrested on 30.07.2019 and remanded to judicial custody. Bail applications filed in Crime Nos.280 and 281 of 2019 were dismissed. However, while arriving at subjective satisfaction for detaining the detenu on 04.09.2019, the Detaining Authority has considered the imminent possibility of the detenu coming out on bail only in Crime No.282 of 2019 and not in Crime Nos.280 and 281 of 2019, which, in the opinion of this Court, shows non-application of mind on the part of the Detaining Authority and on that ground, the impugned detention order is liable to be set aside.

3. In the result, this Habeas Corpus Petition is allowed by setting aside the order of detention passed by the second respondent, in Detention Order No.9/2019, dated 04.09.2019. Consequently, the detenu, namely, Sathiyan, Son of David, aged about 51 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 ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SML

Note:

**Due to lock down on account of COVID-19,
this order copy may be treated as true copy.**

To

1.The Principal 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,
District Collector and District Magistrate's Office,
Theni District.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

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

Order made in
H.C.P(MD)No.930 of 2019
20.05.2020

VB(04.06.2020) 3P 5C