



WEB COPY

H.C.P(MD)No.1315 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P(MD)No.1315 of 2019

Karuppaiah

... Petitioner/ Father of the detenu

Vs.

1.State of Tamil Nadu, rep. by

The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The District Magistrate and District Collector,
O/o. The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

... 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 in detention order passed in P.D.O.No.42/2019, dated 23.08.2019 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Sundaram @ Karuppaiah, S/o.Karuppaiah, male, aged 40 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.G.Arunkumar
For Respondents : Mr.R.Anandharaj,
Additional Public Prosecutor
* * * * *

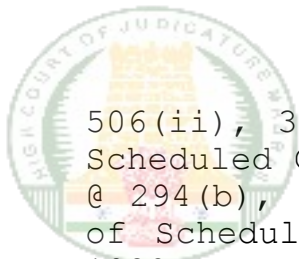
ORDER

[Order of the Court was made by **B. PUGALENDHI, J.**]

It is seen that the petitioner's son has been branded as a 'Goonda' and detained under the Tamil Nadu Act 14 of 1982, on 23.08.2019, challenging which, this Habeas Corpus Petition has been filed.

2. This detention order is predicated on the ground case in Ganesh Nagar Police Station Crime No.165 of 2019 under Sections 294(b), 323, 324, 506(ii) of the Indian Penal Code @ 294(b), 323, 324,

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



506(ii), 307 of the Indian Penal Code r/w 3(1)((r)(s), 3(2)(Va) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989 @ 294(b), 323, 324, 506(ii), 307, 302 IPC r/w 3(1)((r)(s), 3(2)(Va) of Scheduled Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989. In Paragraph No.5 of the grounds of detention, the Detaining Authority has clearly stated that the detenu has not filed any bail application in Crime No.165 of 2019, whereas, the Detaining Authority has observed that further resource to the normal criminal law will not have the desired effect of effectively preventing him from indulging in such activities, which are prejudicial to the maintenance of public peace and public order, but, no materials, whatsoever, have been placed on record to show that the detenu is taking steps to file bail applications. Moreover, the Sponsoring Authority has not produced any similar case particulars, where bail was granted to the accused therein by the Courts concerned. In the absence of any such documents, the subjective satisfaction arrived at by the Detaining Authority is vitiated and on that ground, 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 P.D.O.No.42/2019 dated 23.08.2019. Consequently, the detenu, namely, Sundaram @ Karuppaiah, S/o.Karuppaiah, aged 40 years, who is now detained in Central Prison, Tiruchirappalli, 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)

To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 9.
- 2.The District Magistrate and District Collector,
O/o. The District Magistrate and District Collector,
Pudukkottai District,
Pudukkottai.



3.The Superintendent,
Central Prison,
Tiruchirappalli.

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

5.The Joint Secretary to Government,
Public (Law & order),
Fornt St. George, Chennai-9.

Order made in
H.C.P (MD) No.1315 of 2019

Dated:
02.06.2020

SPU (09.06.2020) 3P-6C