



WEB COPY

H.C.P(MD) No.171 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

H.C.P. (MD) No.171 of 2021

Rishanth @ Nishanth

... Petitioner/ Detenu

-VS-

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirapalli City,
Tiruchirapalli.

3. The Superintendent of Prison,
Tiruchirapalli Central Prison,
Tiruchirapalli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of habeas corpus, calling for the entire records connected with the detention order of the second respondent in C.No.3/Detention/C.P.O./T.C/2021, dated 19.01.2021 and quash the same and direct the respondents to produce the body or person of the detenu by name Rishanth @ Nishanth, son of Kannan, aged about 21 years, now confining as 'Goonda' at Tiruchirapalli Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

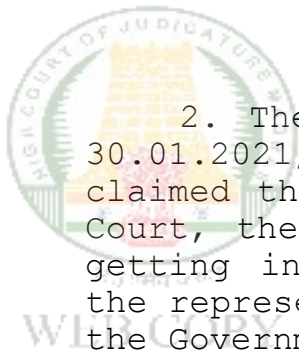
For Respondents : Mr.S.Ravi

Standing counsel for Government

O R D E R

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

This habeas corpus petition has been filed by the detenu, namely, Rishanth @ Nishanth, aged about 21 years, son of Kannan, against the detention order passed by the second respondent, in C.No.3/Detention/C.P.O./T.C/2021, dated 19.01.2021, branding him as "Goonda" as contemplated under Section 2(f) of the Tamil Nadu Act,



2. The petitioner has given representations on 25.01.2021 and 30.01.2021, as against the order of detention. But the respondents claimed that no representation was received. On directions of this Court, the learned Standing counsel appearing for the State, after getting instructions from the Jail authorities, would submit that the representations of the petitioner were sent for consideration of the Government only on 07.07.2021.

3. It appears that the Detaining Authority, in the grounds of detention itself has specifically mentioned that as against the order of detention, there is a right conferred on the detenu to make a representation and the said representation has to be forwarded only through the concerned Central Prison. The petitioner has also sent a representation as against the order of detention. But the same has not been communicated to the Government for consideration and there is a delay in despatching of the representation. On this ground, the detention order vitiates.

4. In fine, the Habeas Corpus Petition is allowed. The detention order made in C.No.3/Detention/C.P.O./T.C/2021, dated 19.01.2021, passed by the second respondent, is set aside. Consequently, the detenu, namely, Rishanth @ Nishanth, aged about 21 years, son of Kannan, who is now detained at Central Prison, Tiruchirapalli, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai 600 009.

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



2. The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirapalli City,
Tiruchirapalli.
3. The Superintendent of Prison,
Tiruchirapalli Central Prison,
Tiruchirapalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
5. The Joint Secretary to Government,
Public (Law & Order)
Fort St.George
Chennai - 9

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