



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

and

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

H.C.P. (MD)No.456 of 2021

WEB COPY

Abdulrahuman alias Sileppy ... Petitioner

-vs-

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi - 11.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Habeas Corpus, to call for the entire records connected with the detention order of the second respondent in M.H.S.Confdl No.06/2021, dated 03.02.2021, quash the same and direct the respondents to produce the detenu by name, Abdulrahuman alias Sileppy, son of Kajamydeen, aged about 24 years, now detained in Palayamkottai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner	:	Mr.R.Vinoth Bharathi
For Respondents	:	Mr.S.Ravi
		Additional Public Prosecutor

O R D E R

This Habeas Corpus Petition is filed by the detenu challenging the preventive detention order dated 03.02.2021, passed against him under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982.

2.The prime ground of attack is the delay in considering the representation of the petitioner.



3. According to the learned Additional Public Prosecutor, the petitioner herein is a habitual offender, having seven criminal cases, including a case under Section 302 I.P.C. As far as the first case is concerned, the petitioner on 21.03.2015, at 17.00 hours, along with his associates had wielded a knife, robbed a cellphone worth about Rs.7,000/- and Rs.200/- cash from the de-facto complainant. On completion of investigation, the matter has been committed to the Assistant Principal Sessions Court, Tenkasi and taken on file as S.C.No.211 of 2016 and the same is pending. Thereafter, the petitioner has been continuously involved in criminal activities and the ground case indicates that on 12.01.2021 at 17.30 hours, the petitioner and his associates have robbed the ATM Card of the de-facto complainant and withdrew Rs.4,000/- and snatched 100 grams of silver. Apprehending that there is a likelihood of getting bail and his free movement in the Society will cause disturbance to the public peace and harmony, the detention order has been passed by the District Collector-cum-District Magistrate, Tenkasi, on 03.02.2021.

4. From the records, this Court finds that for the alleged offence under Section 392 I.P.C., the petitioner was detained on 16.01.2021. The detention order was passed on 03.02.2021. His representation dated 26.02.2021 was received by the authority on 05.03.2021 and rejected vide letter dated 15.04.2021, which was received by the detenu on 16.04.2021. The unexplained delay in disposing the representation is a ground to quash the detention order.

5. Hence, this Habeas Corpus Petition is allowed. The detention order in M.H.S.Confdl.No.06/2021, dated 03.02.2021, passed by the second respondent, is set aside. Consequently, the detenu, namely, Abdulrahuman alias Sileppy, son of Kajamydeen, aged about 24 years, now detained in Palayamkottai Central Prison, Tirunelveli District, is directed to be released forthwith unless his presence or custody or detention is required in connection with any other case.

Sd/-

Assistant Registrar (CS-II)

// 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.

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



To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi - 11.
- 3.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
- 4.The Joint Secretary to Government,
Public (Law and Order),
Fort. St.George,
Chennai-9
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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GC/NS(22.11.2021) 3P 6C