



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.550 of 2021

Utchimakali ... Petitioner/Wife of the Detenu
Vs.

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

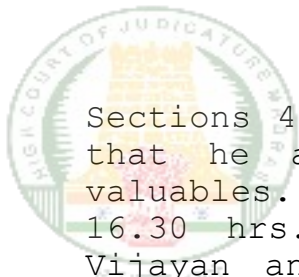
PRAYER: Habeas Corpus Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the respondent No.2 in M.H.S.Confdl No.17/2021, dated 15.03.2021 and quash the same and direct the respondents to produce the detenu by name Manoj, son of Tamilselvam, aged about 24 years, now detained in Palayamkottai Cental Prison, before this Court and set him at liberty forthwith.

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

O R D E R

S.VAIDYANATHAN, J.
and
DR.G.JAYACHANDRAN, J.

The petitioner is the wife of the detenu, who was detained under Act 14 of 1982, vide impugned order, dated 15.03.2021. The detenu is facing one ground case and five adverse cases all under



Sections 457 and 380 IPC. The antecedent of the detenu indicates that he and his associates used to house break and rob the valuables. The ground case indicates that on 24.02.2021, at about 16.30 hrs., the detenu has threatened the defacto complainant Vijayan and had extracted Rs.500/-, for which, a case has been registered by the Tenkasi Police Station in Crime No.108 of 2021, under Sections 294(b), 387 and 506(ii) of IPC. The detaining authority, based on the report of the sponsoring authority, being satisfied that the activity of the detenu is prejudicial to the maintenance of peace and public order had passed the detention order along with the grounds of detention. The detenu has given a representation, dated 31.03.2021, which was rejected by the State on 08.06.2021.

2. This Habeas Corpus Petition has been filed on the ground that there is an enormous delay in considering the petitioner's representation and hence, the same has to be taken adverse to the State. However, the notes paper circulated by the Under Secretary to the Government indicating the Government Holidays and the process which the detention order has undergone at the higher level for confirmation indicates that the delay is not inordinate, but duly explained.

3. The learned counsel appearing for the petitioner would submit that the detenu was married a day before the detention order and therefore, the case may be sympathetically considered.

4. Though the Court also shares the said sentiment expressed by the petitioner's counsel, the gravity of the crime committed by the detenu does not give way for the Court to quash the detention order. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
State of Tamilnadu,
Fort.St.George,
Chennai - 600 009.



2.The District Collector and District Magistrate,
Tenkasi District,
Tenkasi-II.

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

4. The Joint Secretary to Government,
Public (Law & Order) Fort St.Goerge,
Chennai 600 009

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

H.C.P. (MD) No.550 of 2021
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KS (CO)
KB (17.11.2021) 3P 6C