



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE G.ILANGO VAN

H.C.P. (MD) No.1036 of 2020

Amirthavalli

... Petitioner/Wife of the detenu

-vs-

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretary,
Chennai 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District,
Ramanathapuram.

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

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, calling for the entire records, connected with the detention order of the second respondent in T.N.P.D.A.B.C.D.F.G.I.S.S.S.V.No.14/Goonda/2020, dated 06.11.2019 and quash the same and direct the respondents to produce the body or person of the detenu by name Ravi, son of Vadivel, aged about 37 years, now detained as "Goonda" at Madurai Central Prison before this Court and set him at liberty forthwith.

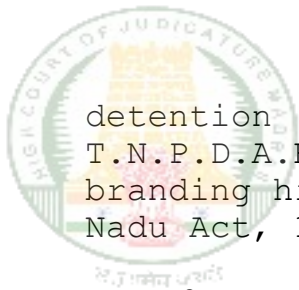
For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.S.Ravi
Standing counsel for Government

O R D E R

(Order of the Court was made by K.KALYANASUNDARAM, J.)

This habeas corpus petition has been filed by the wife of the detenu namely Ravi, S/o. Vadivel, aged about 37 years, against the



detention order passed by the second respondent in T.N.P.D.A.B.C.D.F.G.I.S.S.S.V.No.14/Goonda/2020, dated 06.11.2019, branding him as "Goonda" as contemplated under Section 3(1) of Tamil Nadu Act, 14 of 1982.

2. Mr.S.Sivakumar, learned counsel appearing for the petitioner would urge that the detention order impugned in this habeas corpus petition is liable to be quashed, on the sole ground of non-application of mind on the part of the detaining authority. It is the submission that the bail petitions in the adverse case and the ground case in Cr.M.P.Nos.2391 of 2020 and 2392 of 2020, which were filed on 09.10.2020, were dismissed by the Principal Sessions Judge, Ramanathapuram, vide order dated 29.10.2020, but in the detention order passed on 06.11.2019, it has been mentioned that the bail applications are pending consideration before the concerned Court. According to the learned counsel, this is lack of application of mind on the part of the detaining authority to reach the subjective satisfaction.

3. Per contra, Mr.S.Ravi, learned Standing counsel appearing for the respondents vehemently opposed the petition contending that the detenu is involved in one case of rape and another case of murder and after seeing the involvement of the detenu in the grave offences and on satisfying with the materials placed by the sponsoring authority, the second respondent has rightly detained the detenu under Act 14 of 1982 and there is no illegality and irregularity in the detention order.

4. Heard the rival submissions and perused the materials available on record.

5. On perusal of the records would show that the detention order came to be passed by the second respondent on 06.11.2019, for the involvement of the detenu in Crime Nos.144 of 2019 and 229 of 2020 on the file of Chatrakudi Police Station, Ramanathapuram District. It is not in dispute that in both the cases, the detenu filed applications in Cr.M.P.Nos.2391 of 2020 and 2392 of 2020 seeking bail and in the grounds of detention, it has been stated that the bail applications were pending consideration before the Sessions Court, Ramanathapuram. In the additional typed set filed by the petitioner, it is seen that both the bail petitions were dismissed by the learned Sessions Judge, on 29.10.2020 itself and even prior to the detention order dated 06.11.2019. The dismissal of the bail applications was not considered by the detaining authority on the date of passing of the detention order. On this ground, the detention order is liable to be quashed.

6. In fine, the Habeas Corpus Petition is allowed. The detention order in T.N.P.D.A.B.C.D.F.G.I.S.S.S.V.No.14/Goonda/2020, dated 06.11.2019, passed by the second respondent, is set aside. Consequently, the detenu, namely, Ravi, S/o.Vadivel, aged about 37



years, who is now detained at Madurai Central Prison, 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 I)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretary,
Chennai 600 009.
 - 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Ramanathapuram District,
Ramanathapuram.
 - 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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.
- +1 CC to M/s.S.SIVAKUMAR, Advocate (SR-19123[F] dated 10/06/2021)

H.C.P. (MD) No.1036 of 2020

10.06.2021

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