



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P. (MD) No.74 of 2022

R.Prakash

... Petitioner / brother of the Detenue

-Vs-

- 1.The State of Tamil Nadu,
Rep. by The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Nagapattinam District, Nagapattinam.
- 3.The Superintendent,
Central Prison, Tiruchirappalli. ...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the entire records in detention order passed in C.O.C.No.21/2021 dated 24.06.2021 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's brother namely, Karuppan @ Vinoth, S/o. Ramasamy, male aged 22 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

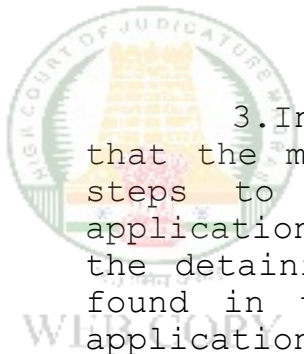
For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

R.SUBRAMANIAN, J.
AND
N.SATHISH KUMAR, J.

The petitioner challenges the detention of his brother under Act 14 of 1982. The detention order has been passed on 24.06.2021, terming the petitioner as Goonda.

2.It is stated that the petitioner is involved in one adverse case for the offence punishable under Section 379 of IPC (theft) and the ground case for the offences punishable under Sections 342, 379 and 395 of IPC (robbery in TASMAG Shop worth about Rs.73,400/-).



3. In the detention order, the detaining authority has stated that the mother of the petitioner, namely, Ambiga has been taking steps to secure the release of the detainee by filing bail application. But there is no material supporting this conclusion of the detaining authority. The statement of the mother is also not found in the booklet. This shows that there has been non-application of mind on the part of the detaining authority in coming to the conclusion that the mother of the detainee is taking steps. It is the mechanical conclusion not based on any material. Hence, the detention order is liable to be quashed, accordingly, is quashed. The detainee is directed to be released forthwith unless his detention is required in connection with any other case. Accordingly, this Habeas Corpus Petition is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Myr

To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector and District Magistrate,
O/o. The District Collector and District Magistrate,
Nagapattinam District, Nagapattinam.
3. The Superintendent,
Central Prison, Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

H.C.P. (MD) No.74 of 2022
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SB(CO)
KB(31.03.2022) 2P 5C