



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

H.C.P. (MD) No.869 of 2021

Rajagopal ... Petitioner / Detenu

Vs.

1.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,
Tenkasi District,
Tenkasi.

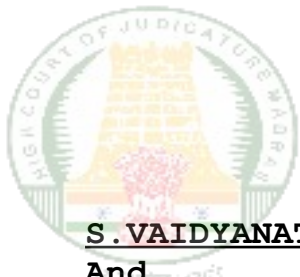
3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order passed in M.H.S.Confdl.No.25 of 2021 dated 29.04.2021 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu, namely, Rajagopal, aged about 28 years, S/o.Murugan, now detained at the Central Prison, Palayamkottai before this Court and set him at liberty forthwith.

For Petitioner : MrN.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



O R D E R

S.VAIDYANATHAN, J.

And

DR.G.JAYACHANDRAN, J.

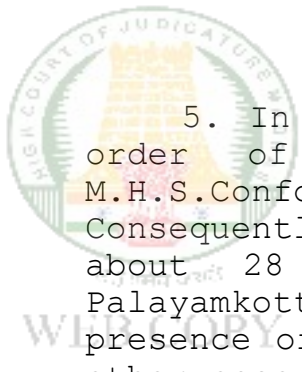
[Order of the Court was made by **DR.G.JAYACHANDRAN, J.**]

The petitioner herein is the first accused in Crime No.276 of 2021 on the file of the Alangulam Police Station, Tenkasi District. On 07.04.2021, due to misunderstanding with the estrange wife Mallika, the petitioner along with his mother and sister had attacked Mallika and has caused her death. This incident has occurred around 5.45 p.m., on the said date. The complaint in this regard had been registered at 21.30 hours on the same day in Crime No.276 of 2021 for the offence under Sections 294(b), 324, 302, 506 (ii) and 109 of IPC., altered into 448, 342, 294(b), 324, 302, 506 (ii) and 109 of IPC.

2. Yet another case in Crime No.277 of 2021 has been registered against the petitioner for the alleged offence under Sections 294 (b), 341, 387, 506(ii) of IPC., based on the complaint given by one Pon Thangamani. This is in respect of one occurrence alleged to have been taken place on 08.04.2021 at about 8.30 p.m. As per the compliant, the petitioner herein has waylaid the complainant, Pon Thangamani and robbed Rs.300/- under threat of stabbing him with a knife. The Detaining Authority had invoked Act 14 of 1982 against the petitioner herein and detained him vide order, dated 29.04.2021. Murder of Mallika in Crime No.276 of 2021 is the ground case and the robbery case in Crime No.277 of 2021 is the adverse case.

3.The petitioner herein has sent his representation dated 09.06.2021 which has been received by the authorities on 15.06.2021. After a delay of 24 days remarks were received and thereafter the representation which was sent to the Government was rejected after a delay of 12 days.

4. In this Habeas Corpus Petition, the petitioner/detenu has challenged the detention order on the ground of inordinate delay in disposing his representation and non-application of mind by the Detaining Authority while passing the detention order. The second respondent has filed a detailed counter wherein the reason for being satisfied to invoke preventive detention order been explained. However, this Court could not find any plausible reason for the inordinate delay in disposing the representation. On the sole ground, this Court is of the view that the Detention Order dated 29.04.2021 is liable to be quashed.



5. In the result, this Habeas Corpus Petition is allowed. The order of detention passed by the second respondent, in M.H.S.Confdl.No.25/2021 dated 29.04.2021, is set aside. Consequently, the detenu, namely, Rajagopal, son of Murugan, aged about 28 years, who is now detained at Central Prison, Palayamkottai, 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-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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,
Secretariat, Chennai- 600 009.
- 2.The District Collector and District Magistrate,
Tenkasi District, Tenkasi.
- 3.The Superintendent of Prison,
Central Prison, Palayamkottai,
Tirunelveli.
- 4.The Joint Secretary to Government,
Public (Law & Order), Fort saint George,
Chennai-600 009.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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