



HCP(MD)No.952 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2022

CORAM

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mrs. Justice **R.HEMALATHA**

H.C.P.(MD)No.952 of 2022

S.Raiman Beevi

.. Petitioner /mother of the
detenu

Vs.

1.The Principal Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police,
Madurai City, Madurai.

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

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records relating to the detention order passed by the 2nd respondent in No.56/BCDFGISSSV/2021 dated 31.10.2021 and quash the same and direct the respondents to produce the body or person of the detenu namely, Riswan Ali, S/o.Samsudeen, aged



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about 23 years (now detained at Central Prison, Madurai) before this Court and set him at liberty.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.HEMALATHA, J.**]

The petitioner is the mother of the detenu viz., Riswan Ali, aged about 23 years, S/o.Samsudeen. The detenu has been detained by the second respondent by his order in No.56/BCDFGISSSV/2021 dated 31.10.2021 holding him to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.



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3. The detention order in this case has been clamped on the detenu based on a solitary incident in S.S.Colony Police Station Crime No. 818/2021 for offences under Sections 341, 302, 506(ii) IPC on the ground that the detenu is a Goonda. Though in the light of the Full Bench judgment of this Court in *Arumugam v. State of Tamil Nadu (2001 (4) CTC 353)*, a solitary incident, if it is capable of threatening the public order, can be the basis for the detention of a person. In this case, the averments in Crime No. 818/2021 does not disclose that public order was threatened. A reading of the FIR in Crime No.818/2021 shows that around 10.15 p.m. on 20.08.2021, the detenu herein along with one Gurumoorthy had attacked the deceased beneath a tree in the outskirts of the village and on seeing the complainant and others, they ran away. Thus, there is no material to infer that the solitary incident had the propensity to disturb the public order for the detaining authority to arrive at a subjective satisfaction that the detenu deserves to be detained as a Goonda under Act 14 of 1982.

4. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.56/BCDFGISSSV/2021 dated 31.10.2021 passed by the second respondent is set aside. The detenu, viz., Riswan Ali,



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S/o.Samsudeen, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(P.N.P.,J.) (R.H.,J.)
28.07.2022

Index : Yes/No

Internet : Yes

RR

To

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- 3.The Superintendent of Prison,
Central Prison,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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and
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RR

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