



HCP(MD)No.1417 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2022

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1417 of 2022

V.Valarmathi

.. Petitioner/Mother of the
Detenu

Vs.

1.The State of Tamilnadu,
Rep. by its Additional Chief Secretary to Government,
Home (Prohibition & Excise) Department,
Fort St.George, Secretariat,
Chennai- 600 009.

2.The District Collector and District Magistrate,
Thanjavur District,
Thanjavur.

3.The Superintendent of Police,
Central Prison,
Tiruchirappalli.

.. Respondents



HCP(MD)No.1417 of 2022

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the Detention Order passed by the 2nd respondent through his proceedings in P.D.No.62/2002 dated 10.06.2022 and to quash the same and direct the respondents to produce the petitioner's son Surya, son of Vellaiyappan, aged 26 years, who is now confined at Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.S.Venkatesan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The son of the petitioner has been detained as 'Goonda' under the Tamil Nadu Act 14 of 1982, vide proceedings dated 10.06.2022 by the second respondent. Challenging the said detention order, the present Habeas Corpus Petition is filed by the mother on the ground that his son is very



HCP(MD)No.1417 of 2022

innocent and were never involved in any manner prejudicial to the maintenance of public order. The recommending authority, with malafide intention, has sought for preventive detention and the detaining authority, without applying his mind, has passed the detention order. The representation given soon after the receipt of the detention order has not been considered in time and the consideration was not made based on the materials.

2. The learned Additional Public Prosecutor states that the son of the petitioner herein has two adverse cases and in the ground case registered in Crime No.69/2022 under Section 379 IPC by the Melattur Police Station on 09.04.2022, the police has arrested the petitioner's son along with one Dinesh on the same day. The allegation against him in the ground case is that he along with Dinesh had stolen the Pulsar two wheeler of the defacto complainant Ramprabu in wee hours on 09.04.2022. The son of the petitioner has few cases of similar nature and in one adverse case investigation is still pending. Infact, in one of the adverse cases, his attempt to rob by trespassing into the house of one Abdul Rasak has ended in



HCP(MD)No.1417 of 2022

murdered him and case in Crime No.128/2022 was registered for the offence under Sections 302 and 380 IPC. This offence alleged to have been committed two days prior to the ground case.

3. Though it is contended that the detaining authority has not applied his mind, from the detention order, this Court finds that the conduct of the detenu committing robbery and murder while committing robbery has caused fear in the mind of the general public and the representation given by the mother against the detention order has been duly considered and rejected within a reasonable time and there is no delay in it and none of the facts in this petition seems to be relevant to entertain this Habeas Corpus Petition. Hence, this Habeas Corpus Petition is dismissed.

[G.J.,J.] & [S.M.,J.]
20.12.2022

Index: Yes/No
Internet: Yes/No

PJL



HCP(MD)No.1417 of 2022

To

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2. The District Collector and District Magistrate,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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