



H.C.P.No.786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2023

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.786 of 2023

Priya

W/o.Ranjith @ Ranjith Kumar

.. Petitioner /wife of detenu

VS

1.State of Tamil Nadu represented
by Secretary to Government,
Home, Prohibition and Excise Department
Fort St. George,
Chennai – 600 009.

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

3.The Superintendent of Police
Tiruppur District.

4.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.

5.State Rep by Inspector of Police,
Perumanallur Police Station,
Tiruppur.

.. Respondents



H.C.P.No.786 of 2023

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the records of the 2nd respondent pertaining to the order made in Cr.M.P.No.10/Goonda/2023 dated 23.02.2023 in detaining the detenu under the Tamilnadu Act 14/1982 as a Goonda offender and quash the same and direct the respondents to produce the detenu namely Ranjith @ Ranjithkumar, son of Rajagopal, aged 27 years, who is detained at the Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Ms.S.Valarmathi
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

This 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of convenience and clarity] has been filed praying to quash the detention order passed in Cr.M.P.No.10/Goonda/2023 dated 23.02.2023 by the second respondent and to produce the detenu, namely, Ranjith @ Ranjithkumar, son of Rajagopal, who is now confined in Central Prison, Coimbatore, before this Court and set him at liberty.

2. Impugned detention order has been made under 'The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-



H.C.P.No.786 of 2023

offenders, Forest-offenders, Goondas, Immoral traffic offenders, Sand-offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act No.14 of 1982)' [hereinafter 'Act 14 of 1982' for the sake of convenience and clarity] on the premise that the detenu is a 'Goonda' within the meaning of Section 2(f) of Act 14 of 1982.

3. There are four adverse cases and one ground case. The ground case which constitutes substantial part of substratum of the impugned preventive detention order is Crime No.41 of 2023 on the file of Perumanallur Police Station for alleged offences under Sections 294(b), 323 and 307 of IPC. Owing to the nature of the challenge to the impugned preventive detention order, it is not necessary to delve into the factual matrix or be detained further by facts.

4. Ms.S.Valarmathi, learned counsel for petitioner and Mr.E.Raj Thilak, learned State Additional Public Prosecutor for all respondents are before us.

5. Adverting to sub paragraph (v) of paragraph 3 of the grounds of impugned preventive detention order, learned counsel for petitioner submitted that the Detaining Authority (second respondent) has stated that the detenu was sentenced imprisonment for seven years in a robbery case and he preferred an



H.C.P.No.786 of 2023

appeal against the sentence in the Hon'ble High Court and came out on bail.

The detaining authority after referring and relying the said case, passed the impugned preventive detention order. But the detaining authority has not stated the details of cases involved, which shows the non-application mind of the detaining authority before passing the impugned preventive detention order. Accordingly, she prayed to allow this petition.

6. Per contra, learned Additional Public Prosecutor submitted that in sub-para (v) of para (3) of the grounds of detention, the detaining authority only referred to the previous sentence imposed by the Court and he did not rely on the said case. Hence, the impugned preventive detention order passed by the second respondent is perfectly in order. Accordingly, he prayed to dismiss this petition.

7. We have considered both sides submissions. The relevant portion of Sub-para(v) of Para (3) of the grounds of impugned detention order reads as follows:

'(3) (v) ... Further it was ascertained that, he was sentenced imprisonment for seven years in a robbery case and he preferred an appeal against the sentence in the Hon'ble High Court and came out on bail. ...'



H.C.P.No.786 of 2023

8. We have carefully perused sub-para(v) of para (3) of the grounds of impugned preventive detention order. In the said paragraph, the detaining authority has not stated the details of cases involved which shows that the detaining authority without applying his mind passed the impugned preventive detention order. Hence, we are inclined to allow the captioned HCP and thereby quash the impugned preventive detention order passed by the second respondent.

9. Ergo, the sequitur is, captioned HCP is allowed. Impugned preventive detention order dated 23.02.2023 bearing reference Cr.M.P.No.10/Goonda/2023 made by the second respondent is set aside and the detenu Thiru.Ranjith @ Ranjithkumar, aged 27 years, son of Thiru.Rajagopal is directed to be set at liberty forthwith, if not required in connection with any other case / cases. There shall be no order as to costs.

(M.S.,J.) (R.S.V.,J.)
07.08.2023

Index : Yes / No

Speaking order / Non speaking order

Neutral Citation : Yes / No

rsi

P.S: Registry to forthwith communicate this order to Jail authorities in Central Prison, Coimbatore.



WEB COPY



H.C.P.No.786 of 2023

**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

rsi

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department
Fort St. George,
Chennai – 600 009.
- 2.The District Magistrate and District Collector ,
Tiruppur District.
- 3.The Superintendent of Police
Tiruppur District.
- 4.The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore.
- 5.State Rep by Inspector of Police,
Perumanallur Police Station,
Tiruppur.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.786 of 2023

07.08.2023