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H.C.P.No.2605 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN
THILAGAVADI

H.C.P.No.2605 of 2022

Bharathi
W/o.Natraj (Late)

.. Petitioner
Mother of the detenu

Vs.

1. The State of Tamil Nadu
Rep. by Principal Secretary to Government
Home, Prohibition & Excise Department
Fort St.George
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai
Vepery, Chennai.
3. The Superintendent of Prison
Central Prison, Puzhal
Chennai.
4. The Inspector of Police
G-3 Kilpauk Police Station

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Chennai

.. Respondents

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Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus to call for the records made in No.445/BCDFGISSSV/2022 dated 30.11.2022 on the file of 2nd respondent herein and quash the same as illegal and direct the respondent to produce detenu viz., Naveen, son of Natraj (late), aged about 25 years, now confined in Central Prison, Puzhal, Cheenai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
representing Mr.V.Parthiban

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John, Advocate

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed by mother of the detenu assailing a 'preventive detention order dated 30.11.2022 bearing reference No.445/BCDFGISSSV/2022' [hereinafter 'impugned detention order' for the sake of convenience and brevity]. To be noted, fourth respondent is the sponsoring authority and second respondent is the detaining authority as the impugned detention order has been made by second respondent.

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2. Impugned detention order has been made under 'The Tamil Nadu

Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-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 is no adverse case. The solitary case which is the sole substratum of the impugned preventive detention order is Crime No.314 of 2022 on the file of G-3, Kilpauk Police Station for the alleged offences under Sections 341, 294(b), 307 and 506(ii) of 'The Indian Penal Code (45 of 1860)' [hereinafter 'IPC' for the sake of convenience and clarity] read with Section 4 of 'Tamil Nadu Prohibition of Harassment of Woman Act, 1998' [hereinafter 'TNPHW Act' for the sake of brevity]. Owing to the nature of the challenge to the impugned detention order, it is not necessary to delve into the factual matrix or be detained further by facts.



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4. Mr.S.Senthilvel, learned counsel representing the counsel on record for petitioner and Mr.R.Muniyapparaj, learned State Additional Public Prosecutor for all respondents are before us.

5. Though several grounds have been urged in the support affidavit, learned counsel for petitioner at the hearing exhorted one point in his campaign against the impugned detention order and that one point turns on delay in considering a representations sent qua impugned detention order.

6. Responding to the aforementioned submission, learned State Additional Public Prosecutor submitted to the contrary and placed before us a list of dates and the details of the same are as follows:

		Rep-I	Rep-II
<i>'Representation dated</i>	..	<i>10.12.2022</i>	<i>10.12.2022</i>
<i>Representation received on</i>	..	<i>13.12.2022</i>	<i>05.01.2023</i>
<i>File submitted on</i>	..	<i>15.12.2022</i>	<i>10.01.2023</i>
<i>Under Secretary dealt with on</i>	..	<i>15.12.2022</i>	<i>10.01.2023</i>
<i>Deputy Secretary dealt with on</i>	..	<i>16.12.2022</i>	<i>10.01.2023</i>
<i>Minister dealt with on</i>	..	<i>19.12.2022</i>	<i>19.01.2023</i>
<i>Rejection letter prepared on</i>	..	<i>19.12.2022</i>	<i>19.01.2023</i>
<i>Rejection letter sent to the detenu on..</i>	<i>19.12.2022</i>		<i>19.01.2023</i>



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9. Apropos, the sequitur is, captioned HCP is allowed. Impugned

detention order dated 30.11.2022 bearing reference No.445/BCDFGISSSV/2022 made by the second respondent is set aside and the detenu Thiru.Naveen, aged 25 years, son of Thiru.Natraj, 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.) (K.G.T.,J.)
09.06.2023

Index : Yes / No

Speaking order/Non-speaking order

Neutral Citation : Yes / No

gpa

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



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To

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1. The Principal Secretary to Government
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Chennai-600 009.
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Vepery, Chennai.
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4. The Inspector of Police
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5. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAGAVADI, J.,

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