



HCP(MD)No.390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.390 of 2023

Narmadha

... Petitioner / Wife of the Detenue

Vs.

- 1.The Principal Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
- 2.The District Magistrate and District Collector,
O/o. the District Magistrate and District Collector,
Viruthunagar District.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Inspector of Police,
Sivakasi East Police Station,
Viruthunagar District.

.. Respondents



HCP(MD)No.390 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order in Cr.M.P.No.01/2023, dated 27.02.2023 on the file of the second respondent and quash the same as illegal and direct the respondents to produce the body or person of the detenu, namely, Rooban Ajithkumar, S/o.Ravi, aged about 25 years, now confined at Central Prison, Madurai before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

The petitioner is the wife of the detenu viz., Rooban Ajithkumar S/o. Ravi aged about 25 years. The detenu has been detained by the second respondent by his order in Cr.M.P.No.01/2023, dated 27.02.2023, 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.



HCP(MD)No.390 of 2023

WEB COPY

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.

3.Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 23.12.2022, the detention order was passed only on 27.02.2023 i.e., after a considerable delay of more than 60 days. Therefore, the detention order has to be set aside.

4.As seen from the grounds of detention, it is clear that though the detenu was arrested on 23.12.2022, the order of detention came to be passed only on 27.02.2023 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.



HCP(MD)No.390 of 2023

5.We have gone through the entire materials placed on record.

There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

6.In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.01/2023, dated 27.02.2023 passed by the second respondent is set aside. The detenu, viz., Rooban Ajithkumar S/o. Ravi, aged about 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) & (M.N.K.,J.)
21.08.2023

NCC : Yes / No
Index : Yes / No

Yuva



HCP(MD)No.390 of 2023

To

WEB COPY

1. The Principal Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.
2. The Joint Secretary to Government,
Public Law and Order,
Fort ST.George, Chennai-600 009.
3. The Superintendent of Prison,
Central Prison, Madurai.
4. The Inspector of Police,
Sivakasi East Police Station,
Viruthunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



HCP(MD)No.390 of 2023

**M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.**

Yuva

H.C.P.(MD)No.390 of 2023

21.08.2023