



HCP(MD)No.1493 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2023

CORAM

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

H.C.P.(MD)No.1493 of 2022

R.Poongodi

.. Petitioner / Mother of Detenu

Vs.

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai.
- 2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai District.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai District

.. Respondents

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



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detention order passed by the 2nd respondent in Detention Order No. 69/BCDFGISSSV/2022, dated 29.08.2022 and to quash the same and direct the respondents to produce the body or person of the detenu, Hariharan, S/o.Sundar, aged about 29 years, before this Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.V.Pandi

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the mother of detenu viz., Hariharan, S/o.Sundar, aged about 29 years. The detenu has been detained by the second respondent by his order in No.69/BCDFGISSSV/2022, dated 29.08.2022 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



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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 09.07.2022, the detention order was passed only on 29.08.2022 i.e., after a considerable delay of 50 days. Therefore, the detention order has to be set aside.

4.The learned Additional Public Prosecutor while objecting this petition submitted that on completion of investigation, charge sheet has been filed in S.C.No.14 of 2023 and the same is pending before the Mahila Court, Madurai.

5.As seen from the grounds of detention, it is clear that though the detenu was arrested on 09.07.2022, the order of detention came to be



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passed only on 29.08.2022 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

6. 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.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.69/BCDFGISSSV/2022, dated 29.08.2022 passed by the second respondent is set aside. The detenu, viz., Hariharan, S/o.Sundar, aged about 29 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.)
31.07.2023

NCC : Yes / No
Index : Yes / No
PNM/RR



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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai.
2. The Joint Secretary
Public (Law and Order)
Secretariat, Chennai.
3. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai District.
4. The Superintendent of Prison,
Central Prison,
Madurai.
5. The Inspector of Police,
S.S.Colony Police Station,
Madurai City,
Madurai District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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