



H.C.P(MD)No.1687 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

H.C.P(MD)No.1687 of 2022

Lakshmanan

.. Petitioner

vs.

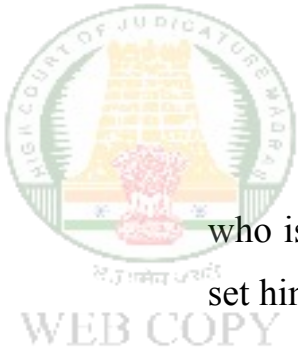
1.The Additional Chief Secretary of Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

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

3.The Superintendent,
Central Prison,
Palayamkottai, Tirunelveli.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of habeas corpus calling for the records in pursuant to the proceedings of the second respondent in Detention Order in H.S(M).Confdl.No.196/2022 dated 08.09.2022, quash the same and consequently direct the respondents to produce the petitioner's grandson namely Sathish @ Karthick, S/o.Marimuthu @ Mariappan, aged 19 years,



H.C.P(MD)No.1687 of 2022

who is now detained in Central Prison, Palayamkottai before this Court and set him at liberty.

For Petitioner : Mr.M.Prabu

For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

The petitioner is the grandfather of the detenu viz., Sathish @ Karthick, S/o.Marimuthu @ Mariappan, aged 19 years. The detenu has been detained by the second respondent by order in H.S.(M)Confdl.No.196/2022 dated 08.09.2022 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 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.



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3. The learned counsel for the petitioner would submit that the detaining authority has arrived at a subjective satisfaction that the detenu is taking steps to file a bail application. However, in the materials supplied along with the order of detention, there is no material available to show that as to how the detaining authority has arrived at the subjective satisfaction that the detenu is taking steps to file a bail application. Hence, the detention order needs interference.

4. The learned Additional Public Prosecutor strongly opposed the Habeas Corpus Petition by filing counter.

5. On carefully going through the detention order, it is seen that the detaining authority has stated that he is aware that the detenu tried to file bail petition before the appropriate Court in the ground case registered in Crime No.466 of 2022 on the file of the Kovilpatti West Police Station. However, there is no tangent material supplied to the petitioner herein to substantiate the manner in which the detaining authority had come to



H.C.P(MD)No.1687 of 2022

subjective satisfaction that he was aware that the petitioner has earlier tried to filed bail application.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S(M).Confdl.No.196/2022 dated 08.09.2022 passed by the second respondent is set aside. The detenu, viz., Sathish @ Karthick, S/o.Marimuthu @ Mariappan, aged 19 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.)

11.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

mbi



H.C.P(MD)No.1687 of 2022

To

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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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H.C.P(MD)No.1687 of 2022

M.S.RAMESH, J.
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H.C.P(MD)No.1687 of 2022

11.07.2023