



WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED :01.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

H.C.P(MD)No.156 of 2025

Jayarani

... Petitioner/Mother of the Detenu

.Vs.

1.The State of Tamil Nadu, represented by
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The District Collector and District Magistrate,
Sivagamani,
Sivagangai District.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.

... Respondents



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PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to call for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in Cr.M.P.No.11/Goonda/2024, dated 2.7.2024 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and to quash the same and to direct the respondents to produce the detenu namely, Alex @ Alaguraja, son of Jayakumar, Male aged about 24 years, who is detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.K.Lenin

For Respondents : Mr.S.Ravi
1 to 3 Addl.Public Prosecutor

ORDER

DR.G.JAYACHANDRAN., J
AND
R.POORNIMA.,J

The Habeas Corpus Petition is filed seeking a direction to call for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in Cr.M.P.No.11/Goonda/2024, dated 2.7.2024 in detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as a Goonda and to quash the same and to direct the respondents to produce



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the detenu namely, Alex @ Alaguraja, son of Jayakumar, Male aged about 24 years, who is detained at Central Prison, Madurai before this Court and set him at liberty.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petition is filed to quash the detention order, dated 2.7.2024 on the ground that the Petitioner who was arrested under Section 394 of IPC, whereas, the detention order was passed after a delay of 35 days on 2.7.2024 without any life and proximity.That apart, the adverse case mentioned in the detention order is of the year 2020-2021 which ought not to have been waived the mind of the detaining authority to invoke preventive detention.

4.The learned counsel for the petitioner further submitted that on 22.10.2024, representation was sent by the detenu to the Government and the same was not considered. The representation was not placed before the Advisory Board for its consideration.Thus there is a violation of Section 10 of Act 14 of



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1982 as well as Article 22(5) of the Constitution of India. The grounds of detention was not informed properly to the family members. The detaining authority has not applied its mind while considering the real possibility of coming out on bail.

5. The learned Additional Public Prosecutor appearing for the respondents/State submitted that the delay in sponsoring the detention was due to the involvement of the accused in two other crimes outside the jurisdiction of the Sponsoring Authority. Though two adverse cases were registered for the offence under Section 147, 148, 427, 294(b), 341, 302, 506(ii) IPC r/w 109 IPC, then altered to Section 147, 148, 427, 294(b), 302, 506(ii), 109, 342 and 120(B) IPC by Sivagangai Town Police in Crime No.549 of 2021, dated 16.09.2021, the trial of the case is pending. The second case was for the offence under Section 454 and 380 IPC registered by the Emaneswaram Police Station in Crime No.48 of 2023 on 21.3.2023. In this case also, the trial is pending. While so, the petitioner has engaged in the third offence attracting the offence Section 394 IPC investigated in Crime No.144 of 2024, dated 28.4.2024 by Elayangudi Police Station. The representations which were reached for consideration were placed



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and after due examination of the representation, orders were passed. The detention was approved by the Government on 13.7.2024. The Advisory Board met on 16.8.2024. On the report of the Advisory Board, the detention was confirmed by the State on 29.7.2024. The disposal of the representation was duly communicated to the detenu. Hence there is no violation of Article 22(5) or the Constitution of India or Section 10 of Act 14 of 1982. At the time of passing the detention order on 2.7.2024, the possibility of getting bail was observed by the detaining authority and the said possibility has become real when the detenu was granted bail subsequently on 15.11.2024.

6. This Court, on perusing the records, the antecedents of the detenu, the nature of the crime committed and the grounds raised, had warranted the sponsoring authority to recommend for preventive detention. The representations given on behalf of the detenu have been considered and rejected for valid reasons. The detaining order does not suffer from any infirmity or non application of mind and therefore needs no interference by this Court.



WEB COPY 7. Hence, the Habeas Corpus Petition stands dismissed.

[G.J.,J.] [R.P.,J.]

01.04.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No

vsn

To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The District Collector and District Magistrate,
Sivagamani,
Sivagangai District.
3. The Superintendent of Prison,
Central Prison,
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Copy to

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



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

ORDER MADE IN
H.C.P(MD)No.156 of 2025

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