



HCP(MD)No.1287 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

CORAM

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.1287 of 2024

Ramesh

..Petitioner /

Father of the Detenu

Vs.

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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

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

.. Respondents

Petition filed under Article 226 of the Constitution of India, to issue a writ of Habeas Corpus, calling for the records pertaining to the detention order passed by the 2nd respondent in Detention Order made in No.P.D.No. 21/2024 dated 14.08.2024 under Section 2(f) of Tamil Nadu Act, 14 of 1982



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as a “Goonda” and quash the same and direct the respondents to produce the body or person of detenu namely, Sakthivel, son of Ramesh, male aged about 24 years detained at Central Prison, Tiruchirappalli, before this Court and set him of liberty forthwith.

For Petitioner :Mr.S.Prabhu
For Respondents :Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

This Habeas Corpus Petition is filed by the father of the detenu viz., Sakthivel, son of Ramesh, aged about 24 years. The detenu has been detained by the second respondent, by his order in Detention Order No.P.D.No.21/2024 dated 14.08.2024 holding him to be a "Goonda", as contemplated under Section 3(1) of the Tamail 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 respondents. We have also perused the records produced by the Detaining Authority.



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3.The son of the petitioner herein is detained under Act 14 of 1982, in view of the three adverse cases and one ground case occurred on 24.06.2024 in a hotel. The detention order was passed on 14.08.2024.

4.The learned counsel appearing for the detenu submits that there is an unexplained delay of 50 days in invoking preventive detention and there is no proximity between the date of alleged offence and the date of detention order. He further submits that two other adverse cases are of the year 2022 and 2023, in which, the detenu being granted bail and it has no relevancy to arrive at subjective satisfaction to detain him under Act 14 of 1982.

5.A detailed counter been filed by the State providing reasons for the alleged delay in invoking the detention order.

6.The learned Additional Public Prosecutor submits that since there are two other adverse cases against this detenu of the year 2022 and 2023, it took some time to collect the records of those cases.



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7.The ground case against this detenu is, in respect of the ruckus created in the hospital by the detenu and his friends, when they went to get treatment for their injuries. The conduct of the detenu and his friends had created fear in the mind of the general public those, who came to the hospital for treatment. On the complaint given by the Doctor in duty, a case has been registered against the petitioner for offence under Sections 147, 353 of IPC r/w Section 3(1) of TNPPDL Act and Section 3 of Tamil Nadu Medical Service Persons and Medicare Service Institutions(Prevention of Violence and Damage or Loss to the property) Act, 2008.

8.Considering the nature of the alleged crime and the propensity to commit similar offence which may cause disturbance to the public peace and order, this Court is of the view that the preventive detention order is sustainable and hence, the Habeas Corpus Petition stands dismissed.

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

19.02.2025

NCC :Yes/No
Index:Yes/No
Internet:Yes/No
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- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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