



H.C.P(MD)No.1367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 22.04.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

H.C.P.(MD)No.1367 of 2024

M.Vasantha

.. Petitioner /Mother of the
Detenu

Vs.

1.The State of Tamil nadu,
Rep. by the Additional Chief Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District.

3.The Superintendent,
Central Prison,
Tiruchirappalli District.

4.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.

.. Respondents



H.C.P(MD)No.1367 of 2024

WEB COPY

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records pertaining to the the detention order passed by the second respondent in Cr.M.P.No.26 of 2024 dated 03.09.2024 and set aside the same and direct the respondents to produce her son namely, Pandi @ Pandeewaran, S/o.Mani, aged about 19 years before this Court, who is now confined in the Central Prison, Tiruchirappalli under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest-Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum-grabbers and Video Pirates Act, 1982 before this Court and set him at liberty.

For Petitioner :Mr.P.Saravanan

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 mother of the detenu viz., Pandi @ Pandeewaran, S/o.Mani, aged about 19 years. The



H.C.P(MD)No.1367 of 2024

detenu has been detained by the second respondent, by his order in Cr.M.P.No.26 of 2024 dated 03.09.2024 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 respondents. We have also perused the records produced by the Detaining Authority.

3. The Habeas Corpus Petition is filed by the mother of the detenu who was arrested for his alleged involvement in a murder of one Jeeva along with 9 others and chopped him into pieces, buried secretly to conceal his body. The detenu was arrested in connection with the said murder on 29.07.2024. The detention order was passed on 03.09.2024.

4. The learned counsel appearing for the petitioner/mother of the detenu submitted that out of 10 accused, 9 were detained under Goondas. The detention order against three accused were not confirmed by the Advisory Board. Whereas this accused though not filed any bail



H.C.P(MD)No.1367 of 2024

petition, the detention order is passed as if he may likely to come out on

WEB COPY

bail. The subjective satisfaction mentioned by the detaining authority and the case where bail granted are not similar which clearly indicates non-application of mind.

5. Further, the learned counsel also submitted that according to the prosecution the murder took place in a remote place viz., dye factory which is not access to the public. Therefore, the reasoning that the act as caused prejudice to the public peace is incorrect.

6. The learned counsel also submitted that the remand report copy not legible and therefore, the detenu was not able to make effective representation.

7. The learned Additional Public Prosecutor appearing for the respondents has filed a detailed counter wherein, he has stated that the gruesome murder of Jeeva was an act of retaliation, after chopping him into pieces, body was burried behind the water tank in the dye unit. A man missing case was registered on the complaint given by the mother. Only after sustained investigation, the crime committed by this petitioner



H.C.P(MD)No.1367 of 2024

along with 9 others out of which one as juvenile came to light.

WEB COPY

8. The learned Additional Public Prosecutor further submitted that the case of the accused persons whose detention order got revoked is not similar to the antecedent of the detenu, Pandi @ Pandeewaran, in this case.

9. The perusal of the record reveals that the detaining authority had gone into the records and the recommendations of the sponsoring authority before passing the detention order. The missing of Jeeva and later exhumed in pieces has created a scar and panic among the public which has caused disturbance to the public order. Therefore, the detention order being passed copies have been properly served. Though it is stated that the remand extension order copy not legible, it does not prejudice any manner to the detenu since a clean copy of the translated version of the remand extension order being furnished to the detenu which is clean, legible and readable.

10. Taking into consideration that the detention order being passed only after taking note of the records placed by the Sponsoring



H.C.P(MD)No.1367 of 2024

WEB COPY

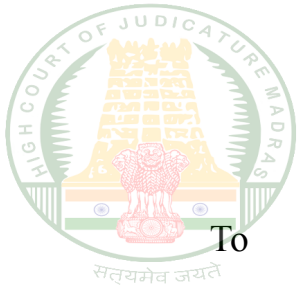
Authority and the application of mind is explicitly seen from the detention order which has assigned reason for arriving at subjective satisfaction. Hence, the Habeas Corpus Petition is liable to be dismissed.

11. Accordingly, the Habeas Corpus Petition is dismissed.

(G.J., J.) & (R.P., J.)
22.04.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



H.C.P(MD)No.1367 of 2024

To

WEB COPY

- 1.The State of Tamil nadu,
Rep. by the Additional Chief Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Karur District.
- 3.The Superintendent,
Central Prison,
Tiruchirappalli District.
- 4.The Inspector of Police,
Thanthonimalai Police Station,
Karur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P(MD)No.1367 of 2024

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

RM

Order in
H.C.P.(MD)No.1367 of 2024

22.04.2025