

(2006) 02 MAD CK 0032

In the Madras High Court

Case No : Habeas Corpus Petition No. 1246 of 2005

Chandran @ Chandru

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 28-02-2006

Acts Referred:

Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 8

Citation : (2006) 02 MAD CK 0032

Hon'ble Judges : P. Sathasivam, J; J.A.K. Sampathkumar, J

Bench : Division Bench

Advocate : R. Sampathkumar, for the Appellant; Abudukumar Rajarathinam, Government Advocate (crl.side), for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner, who was detained as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of

Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu

Act 14 of 1982), by the impugned proceedings dated 26.5.2005, challenges the same in this petition.

2. Heard Mr. Sampathkumar, the learned counsel for the petitioner and Mr. Abudukumar Rajarathinam, learned Government Advocate for the respondents.

3. At the foremost, the learned counsel for the petitioner contended that though the petitioner was arrested on 18.5.2005 and remanded on

19.5.2005, the detention order was passed only on 26.5.2005. According to him, there is no proximity to the passing of the detention order, after

a lapse of seven days.

4. Inasmuch as the Detaining Authority, based on the materials supplied by the Sponsoring Authority and after taking note of past activities of the

petitioner, has passed the order of detention dated 26.5.2005. We are of the view that the same cannot be faulted with, since there is no delay, as claimed.

5. The learned counsel for the petitioner further submitted that though the detention order was passed on 26.5.2005, when the detenu was in

Chennai city, the authorities were not justified in serving the detention order on 29.5.2005. As against this, the learned Government Advocate

brought to our notice that the detention order dated 26.5.2005 has been served on the detenu even on 27.5.2005 and the endorsement and the

signature found on the backside of the detention order supports the above claim. It is true that the grounds of detention were supplied to the detenu

on 29.5.2005, which also satisfied the requirements of Section 8 of the Act 14 of 1982. Accordingly, we reject the said contention of the learned

counsel for the petitioner and hold that there is no delay in serving the detention order or the grounds of detention on the detenu.

6. The learned counsel for the petitioner further contended that inasmuch as no material has been furnished with regard to adverse case No. 3 and

hence, the detention order is liable to be quashed. Here again, the learned Government Advocate pointed out that after the representation of the

detenu, a reply was sent to him stating that adverse case No. 3 viz. Cr.No. 1614/2005 on the file of V1 Villivakkam Police Station has been

wrongly typed as 1644/2005 in the grounds of detention. It is not in dispute that the materials relating to Cr.No. 1614/2005 are available in the

paper book supplied to the detenu (vide Page Nos. 3 to 16). Accordingly, we are unable to accept the contrary argument made by the learned

counsel for the petitioner.

7. The learned counsel for the petitioner further submitted that though a requisition was made by the Sponsoring Authority to the Court concerned

to remand the petitioner from 19.5.2005 to 2.6.2005 and an order has been passed by the learned XXIII Metropolitan Magistrate, Saidapet,

Chennai, remanding the petitioner to judicial custody only till 2.6.2005, while narrating the facts, in para No. 3 of the grounds of detention, the

Detaining Authority has stated that the petitioner was remanded to judicial custody till 3.6.2005.

8. Though it is stated that the detenu was remanded to judicial custody till 3.6.2005 in para No. 3 of the grounds of detention, the records supplied

to the detenu amply show that requisition was made by the Sponsoring Authority to the said Court, to remand the petitioner only till 2.6.2005 and

in fact, the Court passed the order dated 19.5.2005 remanding the petitioner till 2.6.2005. In such circumstances, the error crept in para No. 3 of

the grounds of detention is only a typographical error and we are satisfied that it cannot be construed that the Detaining Authority has not applied

his mind, while passing the detention order.

9. Finally, the learned counsel for the petitioner submitted that page No. 87 of the paper book supplied to the detenu is not readable and they are

unable to understand. The learned Government Advocate has brought to our notice that the details mentioned in Pages 86 and 87 are only the

passport given to the police escort to take the detenu from the prison to the Court concerned. Even if we find that page No. 87 is not readable, the

said document is not a relied upon document, while passing the detention order. Accordingly, we find no merit in the argument of the learned

counsel for the petitioner.

In the light of what is stated above, we do not find any valid ground for interference. Accordingly, this petition fails and the same is dismissed.