

(2003) 03 MAD CK 0215
In the Madras High Court
Case No : H.C.P. No. 2119 of 2002

Chitra	Vs	APPELLANT
State of Tamil Nadu		RESPONDENT

Date of Decision : 19-03-2003

Acts Referred:

Constitution of India, 1950 — Article 226
Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders,
Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 3

Citation : (2003) 03 MAD CK 0215

Hon'ble Judges : V.S. Sirpurkar, J;V. Kanagaraj, J

Bench : Division Bench

Advocate : K. Selvakumaraswami, for the Appellant; A. Navaneethakrishnan,
Assistant Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

V.S. Sirpurkar, J.—The challenge is to the order dated 5.7.2002 passed by Commissioner of Police, Greater Chennai, directing the detention of one Elumalai @ Uddukkai Elumalai u/s 3 of Tamil Nadu Act 14 of 1982 on the ground that he is a Goonda.

2. There are only three points urged by the learned counsel for the petitioner.

3. Firstly, the learned counsel for the petitioner says that the representation sent by the petitioner was not expeditiously dealt with.

4. It is worth noting that the learned counsel has not been able to give us the date of representation also. However, the learned Additional Public Prosecutor has supplied us the schedule as per which the representation dated 16.9.2002 was received by the Government on 23.9.2002. On 25.9.2002, the Government called for the remarks of the Detaining Authority which were received by the Government on 30.9.2002. Thereafter, the matter was considered by the various authorities on 1.10.2002 and was put up before the Hon"ble Minister on

4.10.2002. It was rejected on 7.10.2002. The intimation thereof was given on 16.10.2002 by serving it on the petitioner on that day in the jail.

5. We do not think that any period has been left unexplained much less there is any delay in consideration of the representation. The contention is rejected.

6. The second point is that after the petitioner was detained by the order dated 5.7.2002, no family members were informed. The learned Additional Public Prosecutor however points out that the detenu's wife Chitra was informed and that there is an endorsement of Chitra dated 9.7.2002. In fact, though the detention order is dated 5.7.2002, the same was served on the detenu only on 9.7.2002 and on the same day, it was informed to his wife. Therefore, even this contention has to go.

V.S. SIRPURKAR, J AND V.KANAGARAJ, J.

7. Lastly, the learned counsel points out that in the second adverse case, the name of the detenu is not to be found in the F.I.R. However, it is an admitted position that he is an accused in that case. If that is so, merely because his name is not there in the F.I.R, it would mean nothing.

8. In short, the petition has no merits. It is dismissed.