
(2004) 06 MAD CK 0017

In the Madras High Court

Case No : Habeas Corpus Petition No's. 528 and 529 of 2004

Erode V. Manikandan

APPELLANT

Vs

The State of Tamilnadu and Others

RESPONDENT

Date of Decision : 16-06-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 06 MAD CK 0017

Hon'ble Judges : P.D. Dinakaran, J;N. Kannadasan, J

Bench : Division Bench

Advocate : Thalaimutharasu, for the Appellant; Abudukumar, Addl Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

P.D. Dinakaran, J.—HCP No. 528 of 2004 is for a writ of Habeas Corpus directing the production of detenu Jeeva @ Raja before this

Court and set him at liberty forthwith and further to declare Jeeva's detention for the past nine months in Cr.No. 340/2003 of the Palladam Police

Station, the fourth respondent as illegal and consequently direct the first respondent to provide adequate punitive compensation to Jeeva @ Raja.

2. HCP No. 529 of 2004 is for a writ of Habeas Corpus directing the production of detenu Manickam before this Court and set him at liberty

forthwith and further to declare Manickam's detention for the past 27 months in Cr.Nos. 22/01, 224/01, 6/02, 23/02, 76/00, 314/01 of the Police

Stations of respondents 3, 5, 6 and 7 as illegal and consequently, direct the first respondent to provide adequate punitive compensation to

Manickam.

3. The petitioner in both the petitions, who is a practising Advocate, of course

claiming as a next friend of the detenu, seeks the above relief, purely on the grounds that the custody of the detenus by the respondents are illegal and that they are entitled for the defence of alibi.

4. As it is apparent on the face of the record that the detenus are remanded to judicial custody in Crime No. 340/2003 on the file of the Palladam

Police Station and Crime Nos. 22/01, 224/01, 6/02, 23/02, 76/00, 314/01 of the Police Stations of respondents 3, 5, 6 and 7 in HCP No. 529 of

2004 respectively, this Court cannot exercise the jurisdiction under Article 226 of the Constitution of India in granting the relief as prayed for.

5. That apart, the defence of alibi also cannot be gone into at this stage, in a habeas corpus petition and the Court cannot investigate the plea of

alibi in preventive detention, as held by the Apex Court in *Moni Lal Roy Choudhury Vs. State of West Bengal*, .

6. It is not for us to investigate the alibi of the detenu. The jurisprudence of preventive detention ordinarily keeps this area out of bounds and out of

the purview of this Court. Hence, finding it difficult to accede to the contention of the petitioner, the writ petitions are dismissed holding that the

petitioner has no locus standi to seek the relief as prayed for. Accordingly, they are dismissed, without prejudice to the right of the petitioner to

work out his remedies in appropriate forum.