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**(2006) 02 MAD CK 0069**

**In the Madras High Court**

**Case No :** Habeas Corpus Petition No. 1226 of 2005

J. Rajadurai @ Raja @ Chettyraja

APPELLANT

Vs

The Secretary to Government, Prohibition and Excise  
Department and The Commissioner of Police

RESPONDENT

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**Date of Decision :** 28-02-2006

**Acts Referred:**

**Citation :** (2006) 02 MAD CK 0069

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

**Bench :** Division Bench

**Advocate :** M.V. Kesavan, for the Appellant; M.K. Subramanian, Government Advocate (Crl. Side), for the Respondent

**Final Decision :** Allowed

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## Judgement

P. Sathasivam, J.—The petitioner by name J. Rajadurai @ Raja @ Chettyraja, who was detained as a "Goonda" as contemplated 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 detention order dated 20.06.2005, challenges the same in

this Petition.

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner contended that the impugned detention order is liable to be quashed on the ground of non

application of mind on the part of the detaining authority for which he pointed out that in para 3 of the grounds of detention, though the detenu and

others were initially remanded till 26.5.2005, the detaining authority has stated

that the remand was extended till 25.5.2005. The other instance pointed out by the learned counsel for the petitioner is that though all the orders i.e. the remand extension order, etc were passed by the Judicial Magistrate No. II, Poonamallee, Chennai, in the same paragraph, the detaining authority has mentioned that the detenu was produced and remand order was passed by the Judicial Magistrate No. I, Poonamallee.

4. We verified the relevant paragraph as well as the documents/orders available in the paper book.

5. First of all, the mistake in the date relates to the first remand order. Though initially remand was extended till 26.5.2005, the detaining authority

has stated as 25.5.2005. It is not in dispute that thereafter, the remand of the detenu was extended on subsequent dates and those dates have been

correctly mentioned in the grounds of detention. All the orders are supplied to the detenu and available in the paper book. In such circumstances,

we are of the view that merely because there is a mistake in mentioning the date of extension of remand in the grounds of detention, it cannot be

claimed that the detaining authority has not applied his mind while passing the detention order.

6. Coming to the second objection raised, it is true that the detaining authority has mentioned that the detenu was produced before the Judicial

Magistrate No. I, Poonamallee, Chennai and remand orders were passed by Judicial Magistrate No. I, Poonamallee, whereas the order was

passed by the Judicial Magistrate No. II, Poonamallee. Here again, the learned Government Advocate has brought to our notice that the detenu

was produced only before the Judicial Magistrate No. II, Poonamallee and only the said Judicial Officer viz., Judicial Magistrate No. II,

Poonamallee, extended his remand on various occasions. When the documents produced and supplied to the detenu along with the grounds copy

amply show that the remand was extended by the Judicial Magistrate No. II, Poonamallee, we are of the view that merely because the detaining

authority at one place has referred to as Judicial Magistrate No. I, Poonamallee, it cannot be claimed that the detenu was prejudiced in any way

and the detention order is liable to be quashed on the ground of non application of mind. We reject both the contentions raised by the learned

counsel for the petitioner. Accordingly, the Habeas Corpus Petition fails and the

same is dismissed.