

(2006) 06 MAD CK 0213

In the Madras High Court

Case No : Habeas Corpus Petition No. 193 of 2006

Pushparaj @ Settu

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 13-06-2006

Acts Referred:

Penal Code, 1860 (IPC) — Section 379
Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders,
Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 — Section 3(1)

Citation : (2006) 06 MAD CK 0213

Hon'ble Judges : V. Dhanapalan, J;P. Sathasivam, J

Bench : Division Bench

Advocate : R. Thanjan, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner by name Pushparaj @ Settu, who was detained as a ""Goonda"" as contemplated u/s 3(1) of 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 01.11.2005, challenges the same in this

Petition.

2. Heard learned Counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned Counsel for the petitioner submitted that the 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 relied on the copy of the First Information Report, which is available at page 27 of the

paper book supplied to the detenu and the Accident Register. According to him, though in the FIR it is mentioned as ""one person"" and even in the

Accident Register it is stated ""no person"", in the statement made by all the persons connected with the crime, it is stated as ""known person"", the

said relevant aspect has not been considered by the detaining authority.

4. In the light of the said submission, we verified the copy of the FIR, Accident Register, statements made by various persons and the detention

order passed by the detaining authority. We are satisfied that there is no discrepancy as claimed by the learned Counsel for the petitioner.

Accordingly, we reject the said contention.

5. The learned Counsel appearing for the petitioner further contended that there is no disturbance to public peace or public order as claimed by the

detaining authority. Accordingly, the detention order passed by him is liable to be quashed. In respect of the said contention, we have verified all

the details. The materials placed before the detaining authority show that prior to the ground case that took place on 22.10.2005, the detenu was

involved in four adverse cases even in the year 2005. As a matter of fact in the first adverse case dated 18.02.2005 he was convicted for four

months for an offence u/s 379 IPC. Though it is stated that there is no disturbance to the public peace or public order, as rightly pointed out by the

learned Additional Public Prosecutor the ground case had taken place in a road junction that too at 10.15 a.m. The statements of M. Kasinathan,

E. Reegan, N. Kumar clearly show that the detenu has not only caused injuries / disturbance to an individual person but also threatened others.

Their statements also reveal that by the action of the detenu, the nearby persons ran away due to fear. On perusal of those statements and his

antecedent as revealed from the adverse cases, we are unable to accept the contention raised by the learned Counsel for the petitioner. Further,

the materials placed clearly revealed that the public, who were at the spot, have noticed the action of the detenu and ran to safer places out of fear

of danger to their lives and properties. The evidence/materials collected by the sponsoring authority, which are available in the paper book supplied

to the detenu would vouch the above facts. The materials placed before the detaining authority also show that the detenu has created panic at the

scene of occurrence and all these materials were considered by the detaining

authority before passing the order of detention. In such circumstances, we are unable to accept the said contention.

6. In the light of what is stated, we do not find any valid ground for interference. Consequently, the Habeas Corpus Petition fails and the same is dismissed.