
(2006) 03 MAD CK 0310
In the Madras High Court
Case No : HCP No. 1304 of 2005

Seenu @ Srinivasan

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 14-03-2006

Acts Referred:

Citation : (2006) 03 MAD CK 0310

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

Bench : Division Bench

Advocate : C.H. Vinobha Gandhi, for the Appellant; Abudhukumar Rajarathinam, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

P. Sathasivam, J.—The petitioner, by name Seenu @ Srinivasan, 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 06.10.2005, 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 appearing for the petitioner, by drawing our attention to the fact that the ground case said to have taken place on 05.09.2005 and the accused/detenu was arrested and remanded on 06.09.2005, the detaining authority is not justified in passing the detention order after a period of one month i.e. on 6.10.20 05.

4. As against the said contention, the learned Government Advocate appearing for the respondents has brought to our notice that among the eight adverse cases, first four cases ended in conviction and they were related to E4 Abiramapuram Police Station, the fifth adverse case relates to V3 J.J. Nagar

Police Station, the sixth adverse case relates to E5 Foreshore Estate Police Station and the seventh and eighth adverse cases relate to Royapettah Police Station and necessarily, it requires more time to collect various materials including the orders passed in the convicted cases.

5. We verified the details available in the grounds of detention. It is not in dispute that in the first four adverse cases, the detenu was convicted and other cases relate to J.J. Nagar Police Station, Foreshore Estate Police Station and Royapettah Police Station. Taking note of the number of cases involved, out of which four cases ended in conviction and the details relating to the ground case, we are of the view that the time taken for passing the detention order on 6.10.2005, cannot be said to be either excessive or unreasonable.

6. The learned counsel for the petitioner has also submitted that though a requisition was made by the sponsoring authority for remand in respect of last adverse case i.e. Crime No. 714 of 2005 on the file of E2 Royapettah Police Station, in fact, the remand order has been passed only with regard to the ground case. In such circumstances, according to the learned counsel for the petitioner, there is no possibility of coming out on bail, even if he is granted bail in the ground case.

7. It is brought to our notice by the learned Government Advocate that though a requisition was made by the sponsoring authority in respect of Crime No. 714 of 2005, in fact no order was passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and the detenu was remanded only in the ground case, which is graver in nature. In the light of the above explanation, we find no merit in the contention raised by the learned counsel for the petitioner.

8. The learned counsel for the petitioner has submitted that the representation of the detenu was disposed of mechanically, for which he placed reliance on the reply dated 16.12.2005. Verification of the said reply by the Government shows that the fact of passing of the detention order was intimated to his mother Banu, whereas, the fact of arrest was intimated to his sister Ammu, as informed by him. Verification of the relevant documents from the paper book as well as the file produced by the learned Government Advocate shows that there is no flaw or error as claimed by the learned counsel for the petitioner.

9. Finally, the learned counsel for the petitioner has submitted that there are no materials in respect of ground case and fifth and sixth adverse cases. In this regard, the learned Government Advocate has brought to our notice that though the registration number in both the cases differ, the Engine and Chassis numbers have been correctly stated in all documents including the FIR, seizure mahazer etc. In the light of the above details, we are unable to accept the last contention of the learned counsel for the petitioner.

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