

**(2006) 06 MAD CK 0205**

**In the Madras High Court**

**Case No : Habeas Corpus Petition No. 168 of 2006**

Suresh

APPELLANT

Vs

The State and The Commissioner of Police

RESPONDENT

**Date of Decision : 12-06-2006**

**Acts Referred:**

Penal Code, 1860 (IPC) — Section 147, 148, 326, 336, 34  
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 0205**

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

**Bench : Division Bench**

**Advocate : P. Karthikeyan, for the Appellant; M. Babu Muthu Meeran, Assistant Public Prosecutor, for the Respondent**

**Final Decision : Dismissed**

## **Judgement**

P. Sathasivam, J.—The petitioner by name Suresh, 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 15.06.2005, 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 in view of the fact that there is a long gap between the alleged first occurrence

which took place on 30.08.2002 and the alleged second occurrence which took place on 26.05.2005, the detaining authority has committed an

error in detaining the detenu as a ""Goonda"" by treating him as a habitual

offender. With reference to the said contention, we verified the details given in the grounds of detention. It is true that according to the detaining authority, the first occurrence took place on 30.08.2002, which relates to Crime No. 479/2002 of P-2 Otteri Police Station and the offence involved is Sections 147, 148, 341, 326 read with 34 IPC. As per the grounds of detention, the second occurrence took place on 26.05.2005, which relates to Crime No. 1295/2005 of K-1 Sembium Police Station and the offence involved is u/s 379 IPC. If we consider the first and second occurrence, it is true that there is a time lapse of nearly three years. However, it is not in dispute that the detention order came to be passed after the ground case that took place on 04.06.2005. It is clear that within a period of one week from the second occurrence, the detenu has committed the offence involved in the ground case, which relates to Crime No. 1374/2005 of K-1 Sembium Police Station for various offences, including the offence under Sections 336, 341, 427, 397 and 506(ii) IPC. If we consider the second occurrence as well as the ground case, it cannot be contended that there is no habituality in the detenu committing the crimes. Even otherwise, it is the subjective satisfaction of the detaining authority. If based on the basis of the relevant materials the detaining authority is of the view that the activities of the detenu will be prejudicial to the maintenance of public order, he is free to pass an appropriate order under Act 14 of 1982. In such circumstances, we are unable to accept the first contention raised by the learned Counsel for the petitioner.

4. The learned Counsel for the petitioner next contended that even though the sponsoring authority has filed a Special Report dated 13.06.2005 informing the relevant fact that the remand was extended till 17.06.2005, no affidavit was filed in support of such a report. According to him, in the absence of any such material, the detaining authority is not justified in relying upon the special report of the sponsoring authority dated 13.06.2006. In this regard, learned Additional Public Prosecutor has brought to our notice that on 13.06.2005 itself, along with the special report, the sponsoring authority filed an affidavit mentioning the required reasons/details for forwarding the special report. We verified the said affidavit and we are satisfied that there is no truth in the contention raised by the learned Counsel for the petitioner. Accordingly, we reject the second contention

also.

5. 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.