



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE V.S.RAVI

HABEAS CORPUS PETITION (MD) No.1479 of 2014

Kosalai .. Petitioner
Vs.

1.The Secretary to the Government,
Prohibition and Excise Department,
Secretariat, Chennai.

2.The District Collector cum
District Magistrate, Kanyakumari District
at Nagercoil. .. Respondents

Prayer:- Habeas Corpus Petition is filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus praying to call for records relating to the detention order passed by the second respondent vide P.D.No.03/2014, dated 03.04.2014 and set aside the same and consequently direct the respondents to produce the detenu namely Suthan, Son of Sundarsingh, aged about 24 years before this Court, he is detained at Central Prison, Palayamkottai and set him at liberty and pass such further or other orders.

For Petitioner : Mr.K.P.Narayana Kumar

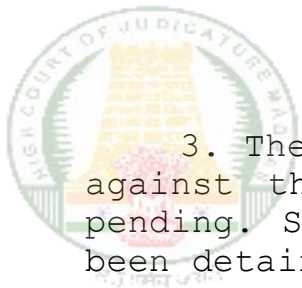
For Respondents : Mr.C.Ramesh, Additional Public Prosecutor

ORDER

(Order of the Court was made by A.SELVAM, J)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India praying to call for records relating to detention order passed in P.D.No.03/2014, dated 03.04.2014 by the detaining authority, who has been arrayed as second respondent herein against the detenu by name Suthan, Son of Sundarsingh and quash the same and thereby set him at liberty forthwith.

2. The learned counsel appearing for the petitioner has contended that even though the detention order has been passed for a period of one year and the same has become expired on 03.04.2015, the respondents have not released him.



3. The learned Additional Public Prosecutor has contended that against the detenu five adverse cases and one ground case are pending. Since he has not obtained bail in all the cases, he has been detained in District Jail, Nagercoil.

4. Considering the rival contentions made on either side, it is made clear that the detention order has become expired on 03.04.2015. Even though detention order has become expired on such date, since the detenu has not obtained bail in all the cases pending against him, he cannot be released from prison. Under the said circumstances, this petition has become infructuous. However, the following direction is passed.

5. In fine, this Habeas Corpus Petition is dismissed as infructuous. The detenu is at liberty to file relevant bail application before the concerned Court.

Sd/-

Assistant Registrar(C.O.,)

/True Copy/

Sub-Assistant Registrar

To

1.The Secretary to the Government,
Prohibition and Excise Department,
Secretariat, Chennai.

2.The District Collector cum District Magistrate,
Kanyakumari Districtat Nagercoil.

3.The Superintendent, Central Prison, Palayamkottai.
[in duplicate to communicate the detenu]

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5. The Officer Incharge, District Jail, Nagercoil.

+1cc to Mr.K.P.Narayanakumar, Advocate, in SR. No.20825.

ORDER MADE IN
H.C.P (MD) No.1479 of 2014
22.04.2015

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