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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

H.C.P. (MD)No.927 of 2021

Solomon Sam Prabhakar

... Petitioner / Detenue

Vs.

1.State of Tamil Nadu,
rep. by Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

2. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

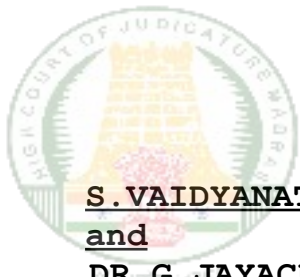
3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

... Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the entire records connected with the detention order passed in No.25/BCDFGISSSV/2021 dated 28.05.2021 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the Detenu, namely, Solomon Sam Prabhakar, son of Davidraj, aged about 26 years, now detained at Central Prison, Palayamkottai, before this Court and set him at liberty.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.S.Ravi
Additional Public Prosecutor



O R D E R

S.VAIDYANATHAN, J.
and
DR.G.JAYACHANDRAN, J.

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[Order of the Court was made by **DR.G.JAYACHANDRAN, J.**]

This Habeas Corpus Petition is opposed by the learned Additional Public Prosecutor on the ground that the detenu herein is a notorious accused along with other accused, being aggrieved by the proximity with Maharajan and Sinoth against whom the petitioner/detenu had enmity, caused the death of Maharajan in the early hours on 06.05.2021. Hence, the case has been registered against the petitioner/detenu in Crime No.279 of 2021 for the offence under Section 294(b), 341, 302 and 506(ii) IPC, based on the complaint given by one Raja, who is the eye-witness to the occurrence.

2. The learned Additional Public Prosecutor would submit that the antecedent of the petitioner, ie., he has been involved in a murder case and attempt to murder case, being a leader of the gang, had caused the death of Maharajan as an outcome of the gang rivalry. If the petitioner is allowed to be released, there is every possibility of disturbance to the public order and peace.

3. On perusing the records, this Court finds that there is enough material to substantiate the submission made by the learned Additional Public Prosecutor. The detaining authority had applied its mind regarding the adverse conduct of the accused Solomon Sam Prabhakar and therefore, had invoked the power to preventively detained him under Act 14 of 1982.

4. This Court finds no material to interfere the detention order. Hence, this Habeas Corpus Petition is dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,

Chennai-600 009.
<https://hcservices.courts.gov.in/hcservices>



2. The Commissioner of Police,
Tirunelveli City, Tirunelveli.

3. The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli.

4. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George,
Chennai -9.

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

**H.C.P. (MD) No. 927 of 2021
27.01.2022**

RK(17/02/2022) 3P 6C