



WEB COPY



HCP(MD)No.1271 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

H.C.P.(MD)No.1271 of 2022

Ajithkumar @ Chettan

.. Petitioner/ Detenu

Vs.

1. State of Tamilnadu,
Rep by its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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

3.The Superintendent of Prison,
Central Prison,
New Jail Road,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, calling for the entire records pertaining to
the detention order of the 2nd respondent made in No.



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28/BCDFGISSSV/2022 dated 25.05.2022 and quash the same and direct the respondents to produce the person or body of the detenu, namely Ajithkumar @ Chettan, son of Palanivel, aged 24 years, now detained at the Central Prison, Madurai, before this Court and set him at liberty.

For Petitioner : Mr.P.Karthick

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

This petition has been filed by the detenu praying for quash the detention order in No.28/BCDFGISSSV/2022 dated 25.05.2022. He has been branded as 'Goonda' based on the ground case registered for the offence under Sections 294(b), 147, 148, 149, 302, 506(ii) IPC & Section 3(2)(VA) of SC/ST(Prevention of Atrocities) Act, 2015 in Crime No. 64/2022. He has come to adverse notice in Crime No.1870/2020 for the offence under Sections 294 (b), 324 and 307 IPC.



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2. The learned counsel for the petitioner submitted that the representation was sent by the detenu on 04.07.2022 and it was rejected by the first respondent on 20.07.2022. He further submitted that the representation made by the petitioner was not considered on time and there was an inordinate and unexplained delay.

3. The learned Additional Public Prosecutor submits that the jail authorities had despatched the representation on 14.07.2022 and the representation was received on 18.07.2022. Thereafter, the Government considered the matter and passed the order rejecting the petitioner's representation on 20.07.2022.

4. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

5. We find that there is a delay of 10 days in despatching the representation by the jail authorities. This delay is violation of the constitutional right guaranteed to the detenu. On considering the delay in



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despatching the representation which has not been properly explained by the authorities, the impugned order of detention is liable to be quashed.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.28/BCDFGISSSV/2022 dated 25.05.2022, passed by the second respondent is set aside. The detenu, viz., Ajithkumar @ Chettan, son of Palanivel, aged 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

[G.J.,J.] & [S.M.,J.]
16.12.2022

Internet: Yes/No
Index: Yes/No
PJJ

To
1.The Principal Secretary to Government,
State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009.

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



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3. The Superintendent of Prison,
Central Prison,
New Jail Road,
Madurai.

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



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**DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.**

PJL

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