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H.C.P.No.1485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2023

Coram

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P.No.1485 of 2022

Selvi

.. Petitioner

VS

- 1.The State of Tamil Nadu
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.
- 2.The District Collector and District Magistrate,
Office of the District Collector Collectorate,
Tiruppur District.
- 3.The Superintendent of Police,
District Police Office, Tiruppur District.
- 4.The Superintendent of Central Prison,
Office of the Superintendent of
Central Prison, Coimbatore District.
- 5.The Inspector of Police,
All Women Police Station,
Avinashi, Avinashi – 641 654
Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of habeas corpus to call for the entire
records in connection with the detention order passed in



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Cr.M.P.No.29/Sexual Offender dated 14.06.2022 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's husband namely Thiru.Ganesan, son of Ramagounder, male, aged 52 years, who is detained in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : No appearance
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.]

There is no representation for the petitioner.

2. Be that as it may, learned Prosecutor informs us that the impugned preventive detention order dated 14.06.2022 is predicated on a solitary ground case and the detenu has since been convicted in the solitary ground case in and by conviction and sentence dated 15.03.2023 vide Spl. S.C. No.88 of 2022 on the file of Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Tiruppur. Learned Prosecutor informs that inter-alia life imprisonment is the sentence and set-off under Section 428 Cr.P.C.



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is for pre-conviction detention from 01.05.2022 to 15.03.2023. This 01.05.2022 to 15.03.2023 period is not detention pursuant to impugned detention order as the impugned preventive detention order is dated 14.06.2023.

3. However, one year from the date of impugned preventive detention order has since elapsed. To be noted, formal arrest pursuant to impugned preventive detention was on 15.06.2022 and therefore one year detention elapsed on 15.06.2023. As already alluded to supra, this will have no impact on set-off as set-off is for pre-conviction pending trial incarceration.

4. In the light of the narrative thus far, captioned Habeas Corpus Petition is disposed of as closed as having become infructuous.

(M.S.,J.) (R.S.V.,J.)
19.06.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.

2.The District Collector and District Magistrate,



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Office of the District Collector Collectorate,
Tiruppur District.

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- 3.The Superintendent of Police,
District Police Office, Tiruppur District.
- 4.The Superintendent of Central Prison,
Office of the Superintendent of
Central Prison, Coimbatore District.
- 5.The Inspector of Police,
All Women Police Station,
Avinashi, Avinashi – 641 654
Tiruppur District.
- 6.The Public Prosecutor,
High Court, Madras.



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**M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,**

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