



HCP(MD)No.239 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

H.C.P.(MD)No.239 of 2023

R.Ramathilagam

.. Petitioner / Mother
of Detenu

Vs.

- 1.The State of Tamil Nadu
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai-9.
- 2.The District Magistrate and District Collector,
Madurai District, Madurai.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam, Madurai District.

.. Respondents



HCP(MD)No.239 of 2023

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the records relating to the detention order passed by the 2nd respondent in Detention Order No.B.C.D.F.G.I.S.S.S.V.No.03/2023, dated 04.02.2023 and to quash the same and direct the respondents to produce the body or person of the detenu, Ramakrishnan, S/o.Rajagopal, aged about 26 years, before this Court and set him at liberty, now detained at Central Prison, Madurai.

For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner is the mother of detenu viz., Ramakrishnan, S/o.Rajagopal, aged about 26 years. The detenu has been detained by the second respondent by his order in No.B.C.D.F.G.I.S.S.S.V.No.03/2023, dated 04.02.2023 holding him to be a "Goonda", as contemplated under



HCP(MD)No.239 of 2023

Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2. 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.

3. Among other grounds, the detention order is mainly attacked on the ground that there is a delay in passing the order of detention. Learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 11.11.2022, the detention order was passed only on 04.02.2023 i.e., after a considerable delay of more than two months. Therefore, the detention order has to be set aside.

4. The learned Additional Public Prosecutor while objecting this petition submitted that on completion of investigation, charge sheet has



HCP(MD)No.239 of 2023

been filed in S.C.No.274 of 2023 and the same is pending before the IV Additional District Court, Madurai.

5.As seen from the grounds of detention, it is clear that though the detenu was arrested on 11.11.2022, the order of detention came to be passed only on 04.02.2023 and hence, there is an abnormal delay in passing the order of Detention, which caused prejudice to the interest of the detenu.

6.We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the delay in passing the order of detention. Hence the impugned order of detention is liable to be set aside.

7. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.No.B.C.D.F.G.I.S.S.S.V.No.03/2023, dated 04.02.2023 passed by the second respondent is set aside. The detenu, viz., Ramakrishnan, S/o.Rajagopal, aged about 26 years, is directed to be



HCP(MD)No.239 of 2023

released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
31.07.2023

NCC : Yes / No

Index : Yes / No

PNM/RR

To

- 1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort.St.George, Chennai-9.
- 2.The Joint Secretary,
Public (Law and Order), Secretariat, Chennai.
- 3.The District Magistrate and District Collector,
Madurai District, Madurai.
- 4.The Superintendent of Prison,
Central Prison, Madurai.
- 5.The Inspector of Police,
Thirumangalam Police Station,
Thirumangalam, Madurai District
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Page 5 of 6



WEB COPY



HCP(MD)No.239 of 2023

M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

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H.C.P.(MD)No.239 of 2023

31.07.2023