



HCP(MD)No.521 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2023

CORAM

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

H.C.P.(MD)No.521 of 2023

Mary Kutti

.. Petitioner /Wife of the Detenu

Vs.

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 9.
- 2.The District Collector and District Magistrate,
Karur,
Karur District.
- 3.The Inspector of Police,
All Women Police Station,
Karur.
- 4.The Superintendent of Prison,
Central Prison,
Tiruchirappalli,
Tiruchirappalli District.

.. Respondents



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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 second respondent in detention order Cr.M.P.No.04/2023 dated 23.02.2023 and quash the same and direct the respondents to produce the detenu namely Mohan aged about 61 years, S/o.Yasaiyan, now detained at Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.B.Ramesh Babu
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The petitioner is the wife of the detenu viz., Mohan, aged about 61 years, S/o.Yasaiyan. The detenu has been detained by the second respondent by his order in Cr.M.P.No.04/2023 dated 23.02.2023 holding him to be an "Immoral Traffic Offender", as contemplated under Section 2(g) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.



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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. The learned counsel appearing for the petitioner strongly contended that though the detenu was arrested on 19.12.2022, the detention order was passed only on 23.02.2023, i.e., after a considerable delay of 66 days. Therefore, the detention order has to be set aside.

4. As seen from the grounds of detention, it is clear that though the detenu was arrested on 19.12.2022, the order of detention came to be passed only on 23.02.2023 and hence, there is an abnormal delay in passing the order of detention, which caused prejudice to the interest of the detenu.

5. We have gone through the entire materials placed on record. There is no satisfactory explanation offered by the Detaining Authority for the



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delay in passing the order of detention. Hence, the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Cr.M.P.No.04/2023 dated 23.02.2023 passed by the second respondent is set aside. The detenu, viz., Mohan, S/o.Yasaiyan, aged about 61 years, is directed to be released forthwith unless his detention is required in connection with any other case.

(M.S.R.,J.) (M.N.K.,J.)
18.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Additional Chief Secretary to Government,
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3.The Inspector of Police,
All Women Police Station,
Karur.

4.The Superintendent of Prison,
Central Prison,
Tiruchirappalli,
Tiruchirappalli District.

5.The Joint Secretary to Government,
Public (Law and Order),
Fort St.George, Chennai.

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



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M.NIRMAL KUMAR,J.

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