



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty Fourth day of May Two Thousand and Twenty
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Ms.Justice P.T.ASHA

CRL MP(MD) No.7441 of 2023
and
HCP(MD)No. 459 OF 2023

SIVAKUMAR

... PETITIONER/PETITIONER

Vs

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI 600 009

2 THE COMMISSIONER OF POLICE
MADURAI CITY, MADURAI DISTRICT

3 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the 3rd respondent to admit the petitioners son namely Muthu Navesh aged about 21 years in a Private Hospital for taking better treatment for his ailment at the cost of the petitioner and permit to write last semester examinations.

Prayer in Habeas Corpus Petition(MD) No. 459/ 2023 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased to call for the entire records relating to the detention of the petitioner's son namely Muthu Navesh (detenue) S/o Sivakumar aged 21 years under the Tamil Nadu Act 14 of 1982 vide detention order dated 21.11.2022 made in No. 83/BCDFGISSSV/2022 passed by the 2nd respondent herein and quash the same as illegal and consequently direct the respondents herein to produce the person or body of the detenue now



confined at Central Prison, Madurai before this Hon'ble Court and thereafter set him at liberty.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VIVEKANANDAN.C, Advocate for the petitioner and of MR.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

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

The petitioner's son has been detained under Act 14 of 1982 vide detention order dated 21.11.2022. In the present application, he seeks a direction to the third respondent to admit his son in a private hospital for taking better treatment for his ailment.

2. In the affidavit filed in support of the petition, the petitioner has also stated that his son is pursuing 4th year B.E. (EEE) course in Sethu Engineering College at Kariyapatti, and that the semester examinations are scheduled from 03.06.2023 to 16.06.2023.

3. We have taken into account the marks obtained by the petitioner's son in the earlier semesters, which is predominantly of good ranking. In order to facilitate the detenu to take up his final semester examinations, we are of the view that he may be temporarily released from custody in this regard. Accordingly, there shall be a direction to the third respondent herein to release the detenu for the period between 01.06.2023 and 20.06.2023 together with escort at the cost of the petitioner for the purpose of undertaking the semester examinations. In case, the petitioner's son requires any medical treatment during this period, the third respondent shall also provide escort for such medical treatment. It is made clear that the petitioner's son shall surrender before the third respondent herein on 21.06.2023 without fail.

4. Accordingly, this petition is closed.

sd/-

24/05/2023

/ TRUE COPY /

/05/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR
TO

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI 600 009

<https://www.mhc.tn.gov.in/judis>



2 THE COMMISSIONER OF POLICE
MADURAI CITY, MADURAI DISTRICT

3 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VIVEKANANDAN.C, Advocate (SR-7859[I] dated 25/05/2023)

ORDER
IN
CRL MP(MD) No.7441 of 2023
and
HCP(MD)No. 459 OF 2023
Date :24/05/2023

PKP/CG/SAR-3/29.05.2023/ **3P/7C**