



HCP(MD)No.769 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.08.2023

CORAM

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

H.C.P.(MD)No.769 of 2023

Rajalakshmi

.. Petitioner /Mother of the Detenu

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai – 600 009.

2.The Commissioner of Police,
Trichy City,
Trichy District.

3.The Inspector of Police,
Palakkarai Police Station,
Trichy City.

4.The Superintendent of Prison,
Central Prison,
Trichy.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent in proceedings C.No.04/Detention/C.P.O/T.C/2023 dated 14.02.2023 and quash the same as illegal and produce the detenu namely Paramaguru, S/o.Selvam, aged about 22 years, now he is confined in Central Prison, Trichy before this Court and set him at liberty.

For Petitioner : Mr.T.Lenin Kumar

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 the detenu viz., Paramaguru, aged about 22 years, S/o.Selvam. The detenu has been detained by the second respondent by his order in C.No.04/Detention/C.P.O/T.C/2023 dated 14.02.2023 holding him to be a "Goonda", as contemplated under Section 2(f) 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 28.12.2022, the detention order was passed only on 14.02.2023, i.e., after a considerable delay of 48 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 28.12.2022, the order of detention came to be passed only on 14.02.2023 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 C.No.04/Detention/C.P.O/T.C/2023 dated 14.02.2023 passed by the second respondent is set aside. The detenu, viz., Paramaguru, S/o.Selvam, aged about 22 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.)
09.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
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2.The Commissioner of Police,
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3.The Inspector of Police,
Palakkarai Police Station,
Trichy City.

4.The Superintendent of Prison,
Central Prison,
Trichy.

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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