



HCP(MD)No.798 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

H.C.P.(MD)No.798 of 2023

Jeyaprakash

: Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.



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4.The Superintendent,
District Jail,
Nagercoil,
Kanniyakumari District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, calling for the entire records connected with the detention order passed in H.S.(M)Confdl No.56/2023 dated 08.04.2023 on the file of the second respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu namely Jeyaprakash, aged about 35 years, S/o.Jeyaraman, now detained at the District Jail, Nagercoil, Kanniyakumari District, before this Court and set him at liberty forthwith.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

O R D E R

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

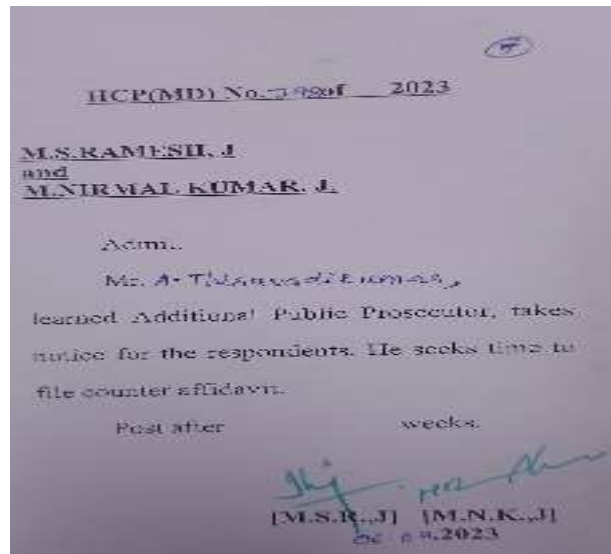
Captioned 'Habeas Corpus Petition' ['HCP' for the sake of brevity] has been filed in this Court on 03.07.2023.



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2.Captioned HCP was listed in the admission board before Hon'ble Predecessor Coordinate Bench on 06.07.2023 and the following order was made:



3.It has now become necessary to set out short facts that are imperative for appreciating this final order. To be noted, captioned HCP is now in the final hearing board after a counter affidavit has been filed by second respondent.

4.Captioned HCP has been filed assailing the preventive detention order dated 08.04.2023 bearing reference H.S. (M)Confdl.No.56/2023 made by second respondent [this 08.04.2023



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order shall hereinafter be referred to as 'impugned preventive detention order' and the second respondent who made this impugned preventive detention order shall be referred to as 'detaining authority']. Impugned preventive detention order has been made by the detaining authority branding the HCP petitioner Thiru.Jeyaprakash [HCP petitioner shall hereinafter be referred to as 'detenue'] as a 'Goonda' within the meaning of Section 2(f) of 'The Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Cyber law offenders, Drug-offenders, Forest-offenders, Goondas, Immoral traffic offenders, Sand-offenders, Sexual-offenders, Slum-grabbers and Video Pirates Act, 1982 (Tamil Nadu Act No.14 of 1982)' [hereinafter 'Act 14 of 1982' for the sake of brevity, convenience and clarity].

5.In the final hearing board, today, Mr.N.Pragalathan, learned Counsel for HCP petitioner and Mr.A.Thiruvadi Kumar, learned State Additional Public Prosecutor for the respondents are before us.

6.We carefully considered the rival submissions.

7.When the matter was taken up learned Counsel for petitioner and learned Prosecutor submitted in one voice that the captioned



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matter is directly covered by **R.Selvi's** case reported in **2023/MHC/4778 [Neutral Citation of this Court]**. A scanned reproduction of **R.Selvi's** case is as follows:

2023/MHC/4778

H.C.P(MD)No.1100 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

Coram

THE HON'BLE MR.JUSTICE M.SUNDAR
and
THE HON'BLE MR. JUSTICE R.SAKTHIVEL

H.C.P(MD)No.1100 of 2023

R.Selvi

Petitioner

VS

1.State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Habeas Corpus calling for the entire records connected with the detention order passed in H.S.(M)Confidi No.75/2023 dated 14.06.2023 on the file of the 2nd respondent herein and quash the same and direct the respondents to produce the detenu or body of the detenu

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namely the petitioner's husband ie., Ramesh @ 2GB Ramesh aged about 28 years, S/o.Ganesan, now detained at the Central Prison, Palayamkottai, before this Court and set him at liberty forthwith.

For Petitioner	:	Mr.N.Pragalathan
For Respondents	:	Mr.A.Thiruvadi Kumar Additional Public Prosecutor

ORDER

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

Captioned 'Habeas Corpus Petition' [hereinafter 'HCP' for the sake of brevity] has been filed by the wife of the detenu assailing a 'preventive detention order dated 14.06.2023 bearing H.S.(M).Confidl No.75 of 2023' [hereinafter 'impugned preventive detention order' for the sake of brevity and convenience]. To be noted, sponsoring authority has not been arrayed as a respondent but we find that Station House Officer of 'Muthiahpuram Police Station' is the sponsoring authority [hereinafter 'Sponsoring Authority' for the sake of convenience and clarity] and second respondent is the detaining authority as impugned preventive detention order has been made by second respondent.

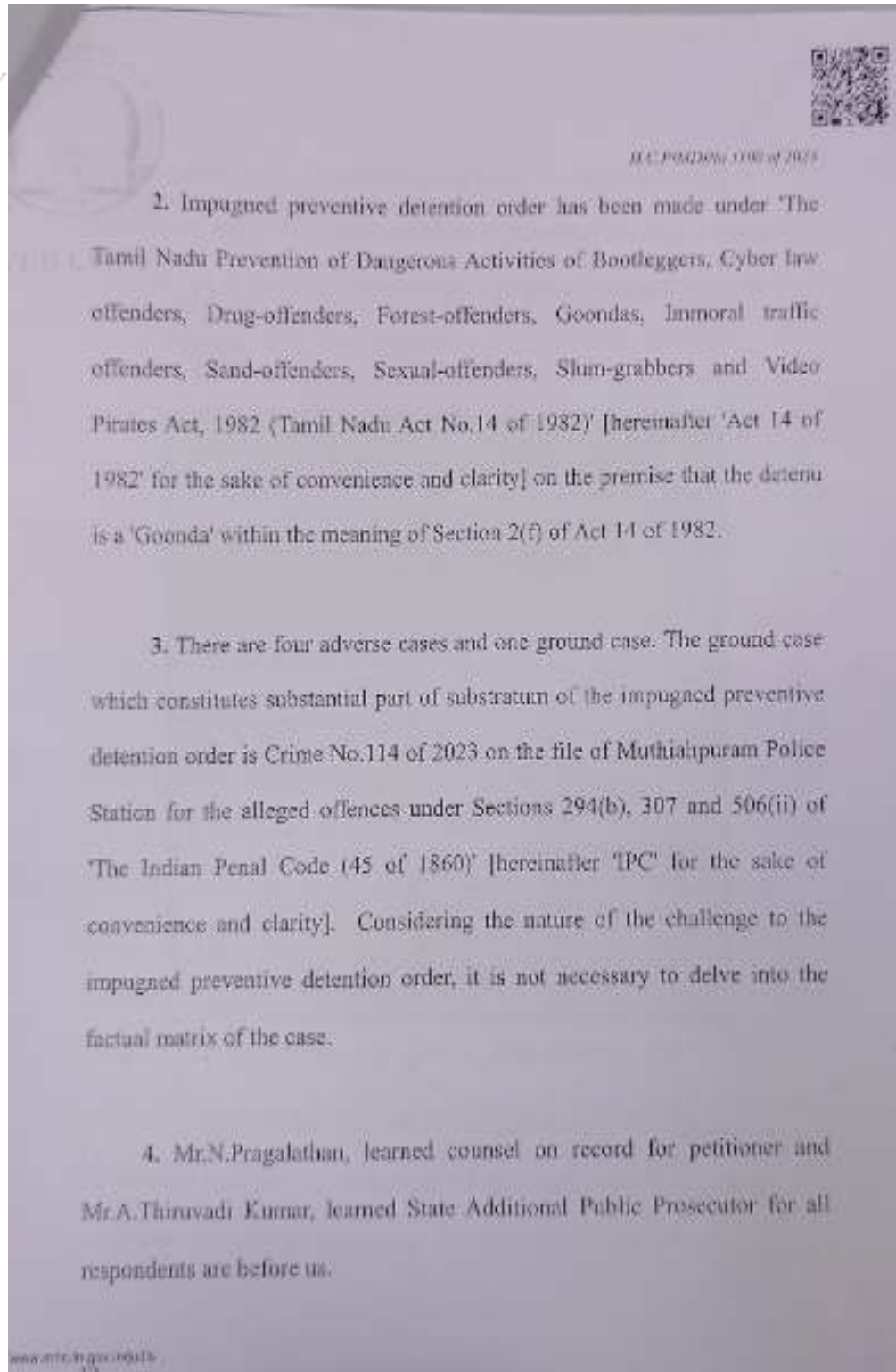
mhc.tn.gov.in/judis
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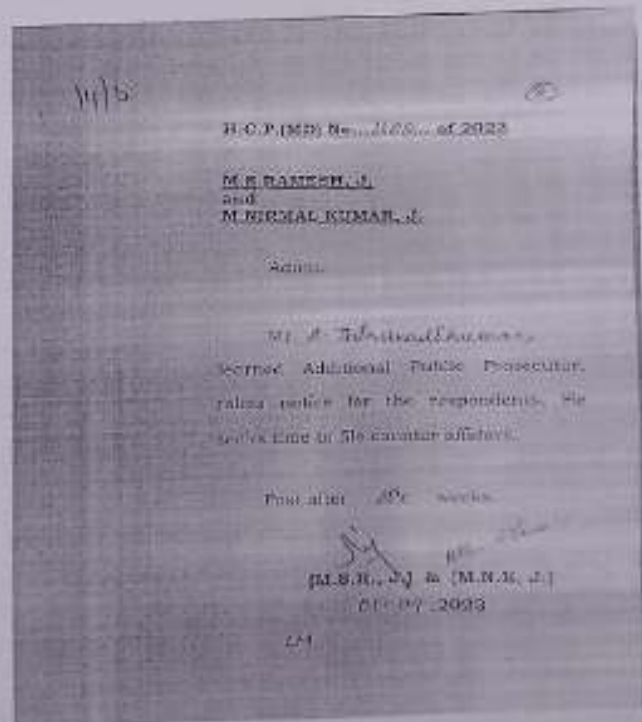




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5. Captioned HCP was listed in the Admission Board before another Coordinate Hon'ble Division Bench on 01.09.2023 and an order was made in the Admission Board and a scanned reproduction of the same is as follows:-

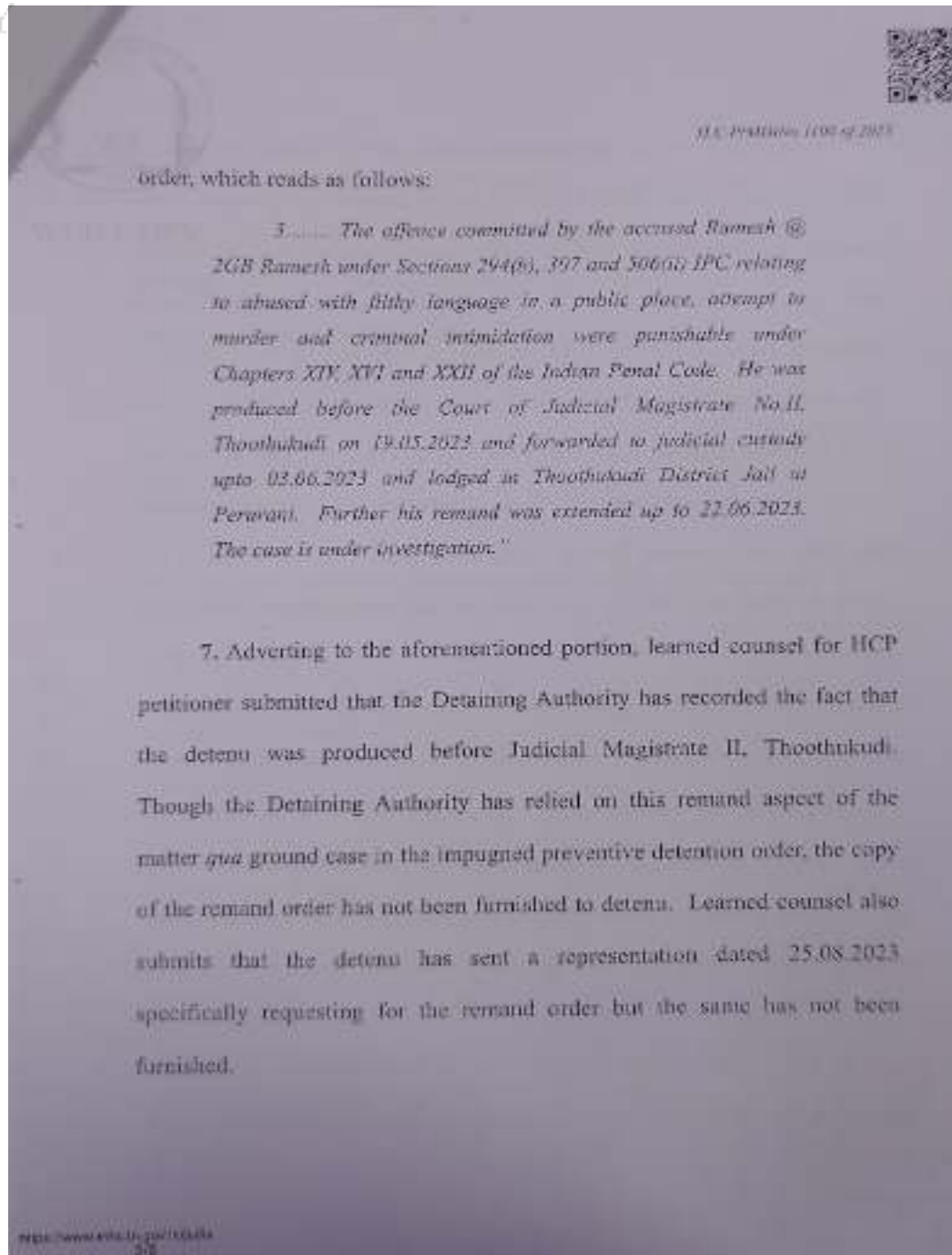


6. Though very many points have been raised in the support affidavit qua captioned HCP, learned counsel for HCP petitioner drew our attention to a portion of paragraph 3 of the grounds of impugned preventive detention



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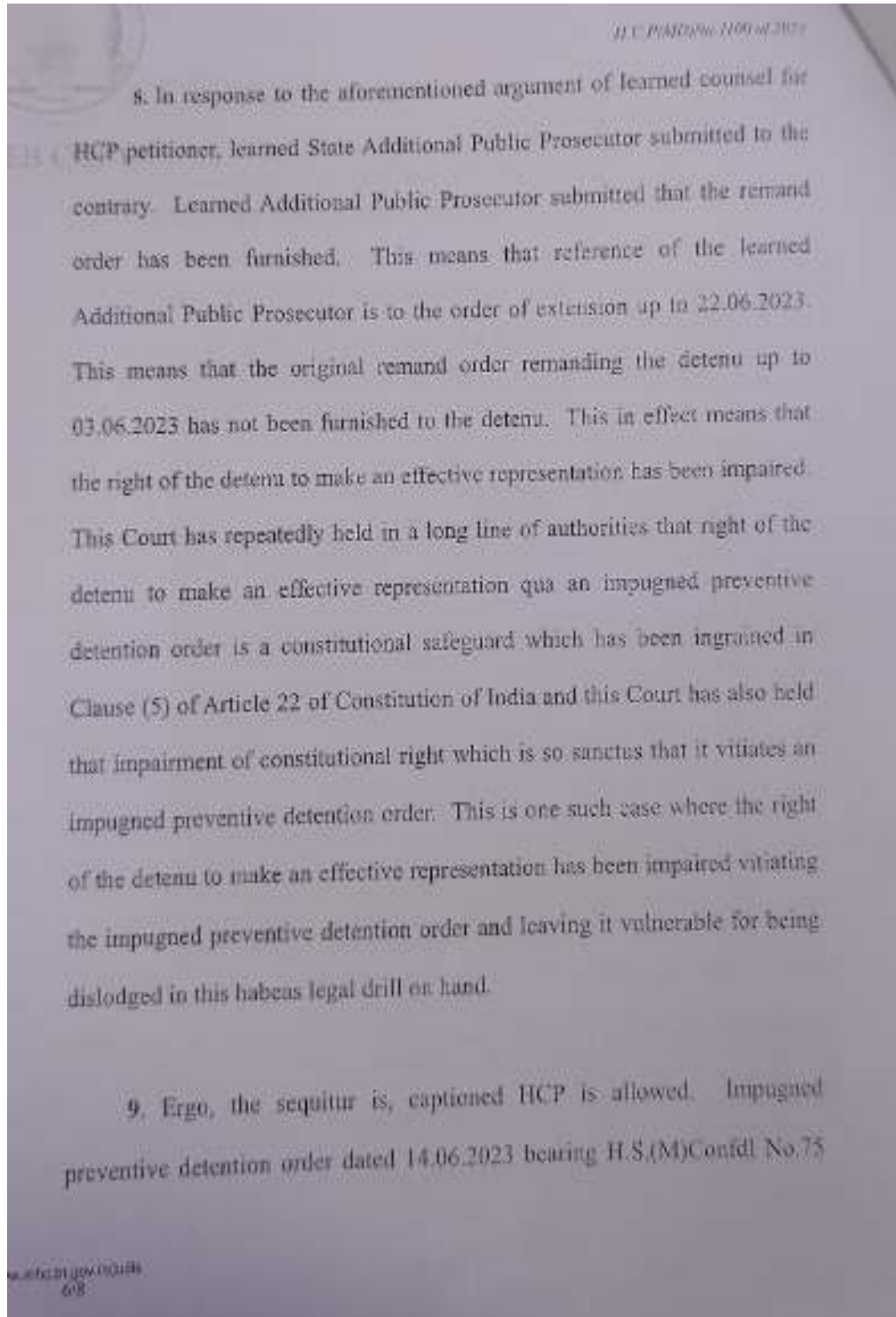




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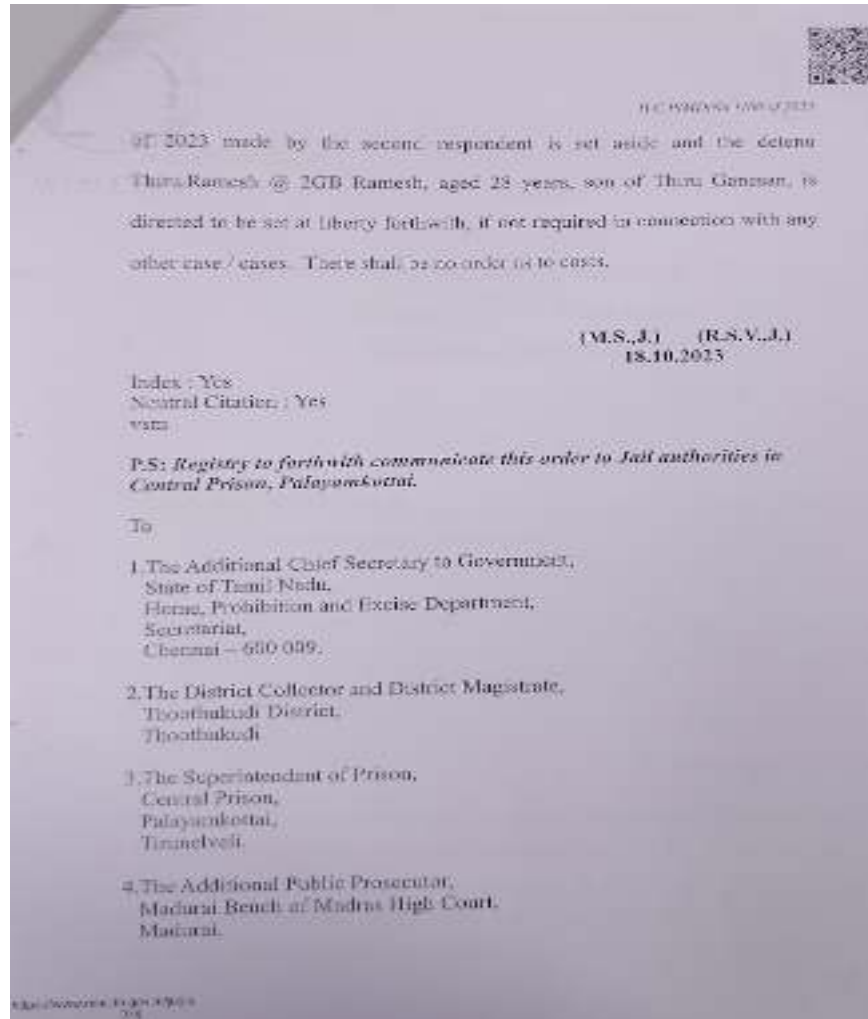




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8.As regards the original remand order, in the case on hand the same has been relied on by the detaining authority in paragraph No.7 of the grounds of impugned preventive detention order and the relevant portion is as follows:

'7.I am aware that the accused Jeyaprakash was arrested in the ground case on 12.03.2023. While he was under medical treatment on 13.03.2023, the judicial Magistrate, Ottapidaram came to Government Medical College Hospital, Thoothukudi and ordered a court remand to him till



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27.03.2023 and he has been kept in custody at Government Medical College Hospital Thoothukudi through the Thoothukudi District Jail at Perurani. ...'

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9.As there is no disputation that the matter is directly covered by **R.Selvi's** case, captioned HCP is also allowed on the same point.

10.Ergo, the sequitur is, captioned HCP is allowed. Impugned preventive detention order dated 08.04.2023 bearing reference H.S. (M)Confdl.No.56/2023 made by the second respondent is set aside and the detenu Thiru.Jeyaprakash, aged 35 years, son of Thiru.Jeyaraman, is directed to be set at liberty forthwith, if not required in connection with any other case / cases. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]
20.11.2023

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

MR

Post Script: Registry to forthwith communicate this order to Jail authorities in Central Prison, Palayamkottai and District Jail, Nagercoil. All concerned are to act on this order being uploaded in official website of this Court without insisting on certified copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.



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To

1.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The District Collector and District Magistrate,
Thoothukudi District,
Thoothukudi.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

4.The Superintendent,
District Jail,
Nagercoil,
Kanniyakumari District.

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



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HCP(MD)No.798 of 2023

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

MR

ORDER MADE IN
H.C.P.(MD)No.798 of 2023

20.11.2023