



H.C.P(MD)No.1623 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

H.C.P.(MD)No.1623 of 2022

K.Thiraviyam

.. Petitioner/Mother of the
Detenu

Vs.

1.The State of Tamil Nadu,
Rep., by the Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition & Excise Department,
Chennai-9.

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

3.The Superintendent,
Central Prison,
Madurai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Habeas Corpus, directing the respondents to call for the
records pertaining to the proceedings of the 2nd respondent made in his



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proceedings in Detention Order in B.C.D.F.G.I.S.S.S.V.No.36/2022 dated 06.06.2022 and quash the same and set the petitioner's son, by name, Jayakumar, son of Kasimayan, aged about 40 years, at liberty from Central Prison, Madurai/3rd respondent herein.

For Petitioner : Mr.M.Jagadeesh Pandian

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

The mother of one Jayakumar, who was branded as 'Drug Offender' and detained under Act 14 of 1982 vide proceedings dated 06.06.2022 by the second respondent is before this Court challenging the detention order on the ground that the detaining authority has not applied his mind while passing the detention order and the similar case referred to show that there is possibility of coming out on bail is not factually a similar case but bail



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was granted under Section 167 (2) Cr.P.C. As far as the ground case against the detenu is concerned, the final report already filed and there is no possibility of getting bail. Further, it is also contended that the Government Order referred in the detention order not been annexed to make effective representation. It is also contended that Page No.353 of the Booklet is not legible.

2. Heard the learned counsel on both side and perused the records placed before this Court.

3. Counter been filed by the second respondent wherein the averments made in the petitioner refuted with particulars. This Court, on perusing the records, finds that on the date of passing the detention order, final report was not filed and therefore, the detaining authority has apprehended that if final report not filed, this petitioner will also be entitled to get bail under Section 167 (2) Cr.P.C.



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4. The quantity of the contraband seized from the petitioner and the other accused falls under the commercial quantity as far as the allegation of non-furnishing the G.O.No.107, Home, Prohibition and Excise (XVI) Department, dated 11.04.2022, the learned Additional Public Prosecutor submitted that the said Government Order is not relevant for the case on hand and therefore, not furnished. He would also submit that the Booklet furnished to the detenu Jayakumar contains only 327 pages and the allegation that page 353 is not legible is only an imaginary and illusionary ground. Further, the learned Additional Public Prosecutor would submit that the antecedent of the detenu clearly indicates that his presence will cause grave threat to the public which has prompted the detaining authority to invoke preventive detention Act.

5. This Court, on perusing the records finds that the contention raised by the petitioner on behalf of the detenu are untenable and the reason stated to interfere the detention order is unsustainable, particularly, in view of the bad antecedents of the petitioner who has been a habitual 'Drug Offender' facing more than 10 cases since 2010. Hence, this Habeas Corpus Petition is



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dismissed.

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[G.J.,J.] & [K.K.R.K.,J.]
09.02.2023

Internet :Yes
NCC :Yes/No
PJI

To

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition & Excise Department,
Chennai-9.

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

3.The Superintendent,
Central Prison,
Madurai.

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



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**DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.**

PJL

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