



CRL MP(MD) No.12517 of 2023

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

Wednesday, the Thirtieth day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH
and
The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL MP(MD) No.12517 of 2023
in
HCP(MD) No.737 of 2023

ARCHANA

... PETITIONER/WIFE OF THE DETENU

Vs

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
FORT ST.GEORGE, CHENNAI-600009.

2 THE COMMISSIONER OF POLICE
TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.

3 THE SUPERINTENDENT OF PRISON
TRICHY CENTRAL PRISON,
TRICHY DISTRICT.

... RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the respondents to temporarily release the detenu namely Ilayaraja, S/o.Balu, aged about 41 years, now confining at Trichy Central Prison under preventive detention by the order passed by R2 in C.No.31/Detention/CPO/TC/2023 dt.25/4/2023 for grant 15 days for attend the illness of the detenu's mother and also to get treatment for the detenu's eyes in Government Trichy Hospital or any other private hospital.

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



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Prayer in Habeas Corpus Petition(MD) No. . 737/ 2023 :

To issue a writ of Habeas corpus or any other writ or direction calling for the entire records connected with the detention order of the respondent no.2 in C.No.31/Detention/C.P.O.T/2023 dated 25.04.2023 and quash the same and direct the respondents to produce the body or person of the detenu by name Ilayaraja, son of Balu aged about 41 years, now detained in Trichy Central Prison before this Hon'ble court and set him at liberty forthwith.

Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.ALAGUMANI R, Advocate for the petitioner and of MR.A.THIRUVADI 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.]

This Criminal Miscellaneous Petition is filed seeking to temporarily release the petitioner's husband, namely, Ilayaraja, S/o.Balu, aged about 41 years, for 15 days, who is detained pursuant to the detention order of the second respondent in C.No.31/Detention/C.P.O/T.C/2023 dated 25.04.2023.

2. The petitioner herein had given a representation to the respondents on 22.08.2023 seeking for grant of 15 days leave for her husband for his eye surgery. Since the said representation was not considered, the present petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the



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representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 22.08.2023, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Criminal Miscellaneous Petition stands disposed of.

sd/-
30/08/2023
/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

lm



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ORDER IN
CRL MP(MD) No.12517 of 2023
in
HCP(MD) No.737 of 2023
Date :30/08/2023

RS/VR/SAR-(04.09.2023) 4P 4C
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