



HCP(MD)No.1694 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.09.2023

CORAM

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

H.C.P.(MD)No.1694 of 2022

Anandhi

.. Petitioner

Vs.

- 1.The Principal Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George, Chennai 600 009.
- 2.The Commissioner of Police,
(AMIS) Tiruchirappalli City
Tiruchirappalli
- 3.The Superintendent of Prison,
Central Prison, Tiruchirappalli
Tiruchirappalli District
- 4.State rep. by its
the Inspector of Police,
All Women Police Station,
Cantonment, Tiruchirappalli
Tiruchirappalli District

.. Respondents

PRAYER: Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus, to call for the entire



HCP(MD)No.1694 of 2022

records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 16.09.2022 on the file of the 2nd respondent herein made in proceedings memo C.No. 133/Detention/CPO/TC/2022 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Karunanithi, S/o.Munusamy aged 51 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Tiruchirappalli.

For Petitioner : Mr.S.Boominathan

For Respondents : Mr.A.Thiruvadikkumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH, J.)

This Habeas Corpus Petition has been filed to quash the detention order of the 2nd respondent in C.No.133/Detention/CPO/TC/2022 dated 16.09.2022 and direct the respondents to produce the detenu Karunanithi son of Munusamy, male, aged 51 years, who is detained at Central Prison, Madurai before this Court and set him at liberty.



HCP(MD)No.1694 of 2022

WEB COPY

2. It is brought to our notice that the respondent police have filed the charge sheet on 26.07.2023 in Crime No.16/2022. Though nearly two months have lapsed, it is stated that the charge sheet is yet to be taken on file. In this background, we had called for a report of the learned Special Judge, Mahila Court, Trichy seeking for an explanation as to why charge sheet that was filed before the Court on 26.07.2023 was not taken on file immediately.

3. Pursuant to our orders, the learned Special Judge, Mahila Court had given her report dated 12.09.2023, stating that after the charge sheet was filed before the Court on 19.07.2023, the case property was produced thereafter on 29.08.2023 only and hence, there was a delay in taking the charge sheet on file. This apart, the report also states that the post of Sheristadar and two other posts of Bench Clerks were vacant and therefore, there was certain delay. We are inclined to accept the reasons given by the learned Special Judge in her report.



HCP(MD)No.1694 of 2022

4. The detention order, which is impugned herein, is dated 16.09.2022, as such, the detention period of one year is already over and hence, this petition has become infructuous. Accordingly, this Habeas Corpus Petition is dismissed as infructuous.

(M.S.R.,J.) (M.N.K.,J.)
19.09.2023

NCC :Yes / No

Internet : Yes

RR

To

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

2.The Commissioner of Police,
(AMIS) Tiruchirappalli City
Tiruchirappalli

3.The Superintendent of Prison,
Central Prison, Tiruchirappalli
Tiruchirappalli District

4.The Inspector of Police,
All Women Police Station,
Cantonment, Tiruchirappalli
Tiruchirappalli District

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



WEB COPY



HCP(MD)No.1694 of 2022

M.S.RAMESH, J.
and
M.NIRMAL KUMAR,J.

RR

H.C.P.(MD)No.1694 of 2022

19.09.2023