



HCP(MD)No.1966 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2023

CORAM

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

H.C.P.(MD)No.1966 of 2022

M.Haveen Rajadurai

... Petitioner / Cousin of the Detenu

Vs.

1.State of Tamil Nadu,

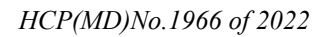
Rep. by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

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

.. Respondents

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

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

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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. Though the learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the copy of the initial remand order has not been furnished to the detenu, despite the same has been sought for by the petitioner in his representation. Therefore, on the sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially, the representation made by the petitioner dated 16.11.2022, he had sought for the initial remand order, however, the same has not been furnished to the detenu, which vitiates the order of detention.



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5.In the result, the Habeas Corpus Petition is allowed and the order of detention in H.S.(M)Confdl.No.219 of 2022, dated 27.10.2022 passed by the second respondent is set aside. The detenu, viz., Mohan @ Mohanraj, S/o.Jeyarama Pandiyan, aged about 39 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.)
18.07.2023

NCC : Yes / No

Index : Yes / No

Yuva

To

1.The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

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

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



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**M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.**

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