



H.C.P(MD)Nos.2133 of 2022 and 60 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

H.C.P(MD)Nos.2133 of 2022 and 60 of 2023

Rajeshkumar ... Petitioner in HCP(MD)No.2133/2022
Kiruthiga ... Petitioner in HCP(MD)No.60/2023
vs.

1. The Additional Chief Secretary to Government,
State of Tamil Nadu, Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2. The District Magistrate and District Collector,
Office of the District Magistrate and District Collector,
Dindigul District, Dindigul. ... R1 & R2 in both HCPs

3. The Superintendent of Prison,
Madurai Central Prison, Madurai. ... R3 in HCP(MD)No.2133/2022

4. The Superintendent of Prison,
Special Prison for Women,
Madurai District. ... R3 in HCP(MD)No.60/2023

Prayer in HCP(MD)No.2133/2022 : 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 of the respondent No.2 in Detention Order No.122/2022 dated 13.12.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Rajeshkumar, son of Duraisamy,



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aged about 31 years, now detained as "Sexual Offender" at Madurai Central Prison before this Court and set him at liberty forthwith.

Prayer in HCP(MD)No.60/2023 : 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 of the respondent No.2 in Detention Order No.123/2022 dated 13.12.2022 and quash the same and direct the respondents to produce the body or person of the detenu by name Kiruthiga, wife of Rajeshkumar, aged about 21 years, now detained as "Goonda" at Madurai Special Prison for Women before this Court and set her at liberty forthwith.

For Petitioner (in both HCPs) : Mr.S.Ramesh Kumar
For Respondents (in both HCPs) : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

COMMON ORDER

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

This common order will now govern the captioned two 'Habeas Corpus Petitions' [hereinafter 'HCPs' for the sake of brevity]

2. When the captioned HCPs were taken up, Mr.S.Ramesh Kumar, learned counsel on record for HCP petitioners and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor for the respondents State are before us.



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3. This Court is informed by both sides that both the detenus who are spouses have since been convicted vide judgment and sentence dated 08.12.2022 in Spl.S.C.No.139 of 2022 on the file of Mahila Court, Dindigul, and that they have been imposed life sentence.

4. This Court is informed that the aforementioned obtaining position can be recorded and the HCPs can be closed [to be noted, this is the common say of both sides].

5. Before we close the captioned HCPs, we make it clear that if the aforementioned conviction and sentence is assailed in a manner known to law, the appellate Court shall deal with the appeal on merits and in accordance with law untrammelled by closure of captioned HCPs.

6. Captioned HCPs are disposed of in the aforesaid manner. There shall be no order as to costs.



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(M.S., J.) (R.S.V., J.)
14.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

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

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COMMON ORDER MADE IN
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DATED :14.12.2023