



WEB COPY



HCP.No.1615 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

H.C.P.No.1615 of 2024

Jayakodi

.... Petitioner

Vs

- 1.The State of Tamilnadu
Rep.by its Secretary to Government(Home)
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
O/o.District Collector and District Magistrate,
Kallakurichi District, Kallakurichi.
- 3.The Superintendent,
Central Prison, Cuddalore District.
- 4.The Superintendent of Police,
O/o.Superintendent of Police,
Kallakurichi District, Kallakurichi.
- 5.The State rep.by its
The Inspector of Police,
Thirukovilur PEW Police Station,
Kallakurichi District.

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records relating to the impugned order of detention passed by the second respondent in D.O.No.C2/15/2024 dated 08.06.2024 and set aside the same and consequently direct the respondents to produce the detenu Sakthivel, son of Ayyakannu aged about 49 years, petitioner's husband now confined at Central Prison, Cuddalore before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Ms.Raji
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by second respondent/District Collector and District Magistrate, Kallakurichi District, in D.O.No.C2/15/2024 dated 08.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The book let served to the detenu is illegible which resulted in causing prejudice to the detenu. Therefore, deposed the detenu from making effective representation. That apart, the element of likelihood of causing breach of public order has not been sufficiently made out.



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3. Accordingly, the impugned order of detention in No. D.O.No.C2/15/2024 dated 08.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Sakthivel, son of Ayyakannu aged about 49 years, now confined at Central Prison, Cuddalore, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

sli

13.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To

- 1.The State of Tamilnadu
Rep.by its Secretary to Government(Home)
Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The District Collector and District Magistrate,
O/o.District Collector and District Magistrate,
Kallakurichi District, Kallakurichi.
- 3.The Superintendent,
Central Prison, Cuddalore District.



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- 4.The Superintendent of Police,
O/o.Superintendent of Police,
Kallakurichi District, Kallakurichi.
- 5.The State rep.by its
The Inspector of Police,
Thirukovilur PEW Police Station,
Kallakurichi District.
6. The Public Prosecutor, High Court, Madras.

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