



HCP.No.1678 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

H.C.P.No.1678 of 2024

Madhubala

... Petitioner/Wife of the
detenue

Vs.

1. The State Rep.by its,
Government of Tamilnadu, rep.by its,
The Special Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai District.
2. The Commissioner of Police,
Tiruppur City.
3. The Superintendent of Police,
Central Prison,
Coimbatore District.
4. The Inspector of Police,
Trippur South Police Station,
Trippur District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records in Detention Order passed in No.C.No. 50/I.T.O./IS/Tiruppur City/2024 dated 14.06.2024 on the file of the second respondent herein and quash the same and direct the respondents herein to produce the body of petitioner's husband Thiru.Sirappuselvam, M/A 34 years now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.D.Padmanabhan
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The petitioner herein, who is the wife of the detenu namely Sirappu Selvam S/o. Thamaraiselvam aged about 34 years, confined at Central Prison, Coimbatore, has come forward with this petition challenging the detention order passed by the second respondent dated 14.06.2024 slapped on her husband, branding him as "Immoral Traffic Offender" under the Tamil Nadu Act 14 of 1982.



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2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner would submit that the booklet served on the detainee has not been properly paginated and the Remand Extension Order has not been translated. Further, he would submit that the detainee was arrested on 25.04.2024 and after a lapse of about one and a half months, the impugned order of detention was passed on 14.06.2024. Further, it is submitted that the bail has already been granted to the detainee in the ground case.

4. All the above grounds raised by the petitioner would show that the detaining Authority has not applied mind for the purpose of invoking Act 14 of 1982.

5. Hence, for the aforesaid reasons, the detention order passed by the second respondent on 14.06.2024 in proceedings C.No.50/I.T.O./IS/Tiruppur City/2024, is hereby set aside and the Habeas



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Corpus Petition is **allowed**. The detenu viz., Sirappu Selvam, S/o. Thamaraiselvam, aged 34 years, confined at Central Prison, Coimbatore is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [R.S.V., J.]
19.08.2024

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

veda



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To

1. The Special Secretary,
Government of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai District.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Tiruppur City.
4. The Superintendent of Police,
Central Prison,
Coimbatore District.
5. The Inspector of Police,
Trippur South Police Station,
Trippur District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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S.M.SUBRAMANIAM, J.
AND
R.SAKTHIVEL, J.

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