



WEB COPY



HCP.No.1756 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

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

H.C.P.No.1756 of 2024

Shanthi

Vs

.... Petitioner

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Commissioner Of Police,
Coimbatore City.
3. The Superintendent Of Prison,
Central Prison, Coimbatore.
4. The Sub-inspector Of Police,
E-2 Peelamedu Police Station,
Coimbatore City.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 28.06.2024, in C.No.75/G/IS/2024 against petitioner's son Rajkumar, Male, aged 24 years, S/o.Dharmaraj, who is confined



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at Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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 in C.No.75/G/IS/2024 dated 28.06.2024, is sought to be quashed in the present Habeas Corpus Petition.

2. The list of property sent to the Magistrate enclosed at Page No.21 of the book let No.1 (form 95) served to the detenu is illegible, which resulted in causing prejudice to the detenu. Therefore, deprived the detenu from making effective representation. That apart, the element of likelihood of causing breach of public order has not been sufficiently made out.

3. Accordingly, the impugned order of detention in C.No.75/G/IS/2024 dated 28.06.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detenu, namely, Rajkumar, Male, aged 24 years, S/o.Dharmaraj, now confined at



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Central Prison, Coimbatore, 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.]

28.08.2024

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Commissioner Of Police,
Coimbatore City.
3. The Superintendent Of Prison,
Central Prison, Coimbatore.
4. The Sub-inspector Of Police
E-2 Peelamedu Police Station
Coimbatore City.
5. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.

AND

V.SIVAGNANAM, J.



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