



HCP.No.1909 of 2024

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records of the 2nd Respondent in his proceeding Cr.M.P.No.35/Sexual Offender/2024 C1 dated 17.07.2024 to quash the same and consequently direct the respondents to produce petitioner's son (detenu) Viswanathan aged 31 years S/o.Nagaraj, now confined in Central Prison, Coimbatore, set him liberty forthwith.

For Petitioner : Mr.N.Chinnaraj
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second Respondent/District Magistrate and District Collector, Erode District, in his proceeding Cr.M.P.No.35/Sexual Offender/2024 C1 dated 17.07.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of the documents relied on by the detaining authority would reveal that, the detenue had been arrested on 27.05.2024, however the impugned order of detention has been issued on 17.07.2024, after a lapse of more than two months.

3. The fact about the long delay would be sufficient to drop an inference that



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the detaining authority has failed to apply their mind for the purpose of issuing the impugned order under Act 14 of 1982.

4. Hence, for the aforesaid reason, the detention order passed by the second Respondent/District Magistrate and District Collector, Erode District, in his proceeding Cr.M.P.No.35/Sexual Offender/2024 C1 dated 17.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenue, viz., Viswanathan aged 31 years S/o.Nagaraj, now confined in 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.]

[V.S.G., J.]

30.08.2024

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

mrp



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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

mrp

To

- 1 State Of Tamil Nadu
Rep.by its Secretary To Government (home)
Prohibition And Excise Department,
Fort St.George, Chennai-600 009.
- 2 The District Magistrate And
District Collector, Erode, Erode District.
- 3 The Superintendent Of Police
Erode District.
- 4 The Superintendent Of Prison
Central Prison-Coimbatore,
Coimbatore District.
- 5 The Inspector Of Police
All Women Police Station Gobichettipalayam
Erode District.
- 6 The Public Prosecutor
High Court, Madras.

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