



WEB COPY



HCP.No.2131 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

H.C.P.No.2131 of 2024

S.Vinitha

... Petitioner/wife of the detenue
Vs.

State rep. By

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai – 9.

2.The District Magistrate and
District Collector,
Salem District,
Salem.

3.The Superintendent of Police,
Salem District,
Salem.

4.The Superintendent of Prison,
Central Prison,
Salem.

5.The Inspector of Police,
Thalaivasal Police Station,
Salem District.

... Respondents



HCP.No.2131 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the the records in C.M.P.NO.13/BOOTLEGGGER/C2/2024 dated 12.08.2024 on the file of the District Magistrate and District Collector, Salem District and quash the same as illegal and direct the respondent to produce the detenue Thiru.Sivachandran S/O.Ramar aged about 36 years now confined at Central Prison, Salem and set him at Liberty.

For Petitioner : Ms.S.Sengkodi

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

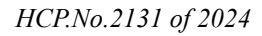
ORDER

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

The order of detention passed by the 2nd respondent in proceedings C.M.P.NO.13/BOOTLEGGGER/C2/2024 dated 12.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

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 submitted that there is an



7. In yet another case i.e., in '*Nagaraj Vs. State of Tamil Nadu*', reported in '**(2018) 3 MWN (Cri) 428**', this Court had held that the delay of 36 days in passing the detention order after the arrest of the detenu would snap the live and proximate link between the grounds and purpose of detention. Hence, in view of the unexplained and inordinate delay in passing the order of detention, after the arrest of the detenu, the detention order in the present case, is liable to be quashed.



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8. Accordingly, the detention order passed by the second respondent in C.M.P.NO.13/BOOTLEGGGER/C2/2024 dated 12.08.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Sivachandran S/O.Ramar aged about 36 years now confined at Central Prison, Salem is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[N.S., J.]

20.09.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.

gd

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai – 9.
- 2.The District Magistrate and
District Collector,
Salem District,
Salem.
- 3.The Superintendent of Police,
Salem District,
Salem.
- 4.The Superintendent of Prison,
Central Prison,
Salem.
- 5.The Inspector of Police,
Thalaivasal Police Station,
Salem District.
- 6.The Joint Secretary to Government
Public (Law and Order),
Fort ST.George, Chennai – 9.
- 7.The Public Prosecutor,
Madras High Court.

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20.09.2024