



HCP.No.2427 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.2427 of 2024

B.Valarmathi

...

Petitioner /
wife of the detenu

Vs

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Collector's Office,
Coimbatore District,
Coimbatore – 641 018.
- 3.The Superintendent of Police,
Coimbatore District,
Coimbatore – 641 018.
- 4.The Superintendent of Prison,
Central Prison,
Coimbatore – 641 018.



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5. The Inspector of Police,
R.S.Puram Police Station,
Coimbatore – 641 002.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, calling for the entire records connected with the detention order issued by the 2nd respondent in Detention Order Cr.M.P.No.46/D.O/2024 dated 24.08.2024 and quash the same and direct the respondents to produce the body and person of the petitioner's husband by name Baskar @ Sudhakaran aged about 45 years detained in Central Prison, Coimbatore before this Court and set him at liberty forthwith.

For Petitioner	: Mr.N.Ganeshmurthy
For Respondents	: Mr.R. Muniyapparaj Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in Cr.M.P.No.46/D.O/2024 dated 24.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.A perusal of the documents relied on by the detaining authority



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would reveal that, the detenu had been arrested on 02.07.2024, however the impugned order of detention has been issued on 24.08.2024, after a lapse of more than one month.

3.The fact about the long delay would be sufficient to drop an inference that 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 in Cr.M.P.No.46/D.O/2024 dated 24.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Baskar @ Sudhakaran, Male, aged 45 years, S/o. Pauldurai, 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.] [M.J.R., J.]
05.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order



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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector and District Magistrate,
Collector's Office,
Coimbatore District,
Coimbatore – 641 018.
- 3.The Superintendent of Police,
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- 5.The Inspector of Police,
R.S.Puram Police Station,
Coimbatore – 641 002.
6. The Public Prosecutor,
High Court, Madras.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

cse

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