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HCP.No.2411 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM :

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

H.C.P.No.2411 of 2024

Malathi

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George, Chennai – 600 009.

2.The District Collector and District Magistrate of
Perambalur District,
Perambalur.

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

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

5.The Inspector of Police,
Mangalamedu Police Station
Perambalur District.

... Respondents

PRAYER: Petition filed under Article 226 of the 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 09.07.2024 in



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Cr.M.P.No.14/2024 against the petitioner's husband Prasath, Male aged 25 years S/o.Ramalingam, who is confined at Central Prison, Tiruchirapalli and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.P.Raman

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 Cr.M.P.No.14/2024 dated 09.07.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The order of detention sought to be assailed and the fact as narrated would reveal that, there is a delay of five days in considering the representation. The delay in considering the representation and the period during which the detenu was under detention would be construed as violation of the Constitutional mandatory under Article 22 of the Constitution of India and thus, the ground of delay in considering the representation became fatal in the case of preventive detention.



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3. Accordingly, the impugned order of detention in proceedings No. Cr.M.P.No.14/2024 dated 09.07.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenu viz., Prasath, male, aged about 25 years son of Ramalingam, who is confined at Central Prison, Tiruchirapalli, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

J.]

[S.M.S., J.]

[V.S.G.,

15.10.2024

Index: Yes
Internet: Yes/No
Neutral Citation: Yes/No
Speaking order/Non-speaking order
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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector and District Magistrate of
Perambalur District,
Perambalur.
- 3.The Superintendent of Police,
Perambalur District,
Perambalur.
- 4.The Superintendent of Prison,
Central Prison, Tiruchirapalli.
- 5.The Inspector of Police,
Mangalamedu Police Station
Perambalur District.
- 6.The Public Prosecutor,
Madras High Court.

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