



HCP.No.2553 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

H.C.P.No.2553 of 2024

Priya

... Petitioner /wife of the detenu

Vs

1. The Addl. Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police, Law and Order,
J-8 Neelankarai Police Station,
Chennai

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, Call for the records in connection with the order of detention passed by the second respondent dated 12.09.2024 in BCDFGISSSV No.945/2024 against the petitioner's husband Thiru Gopalakrishnan @ Gopi, Male aged 29 years, S/o. Ramesh, who is confined at Central Prison, Puzhal, Chennai and set aside the same.

For Petitioner : Mr. S. Senthilvel
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 Commissioner of Police, Greater Chennai, in BCDFISSSV No.945/2024 dated 12.09.2024 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 detenu had been arrested on 28.07.2024, however the impugned order of detention has been issued on 12.09.2024, after a lapse of more than two months.



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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 BCDFISSSV No.945/2024 dated 12.09.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Gopalakrishnan @ Gopi, S/o. Ramesh, aged 29 years, confined at Central Prison, Puzhal, Chennai, 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.]

29.10.2024

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. The Addl. Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police, Law and Order,
J-8 Neelankarai Police Station,
Chennai
5. The Public Prosecutor,
High Court, Madras.

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