



WEB COPY



HCP.No.2570 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

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

H.C.P.No.2570 of 2024

Pandurangan

...Petitioner/father of the detenu

Vs

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police,
Avadi City,
Tiruvallur District.
3. The Inspector of Police,
E3 Minjur Police Station,
Tiruvallur District.
4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ



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of Habeas Corpus, to call for the entire records in connection with the order of detention passed by the 2nd respondent dated 05.08.2024 in Memo No.119/BCDFGISSSV/2024 against Karthick @ Local S/o. Pandurangan, aged about 22 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Hon'ble High Court and set him at liberty.

For Petitioner : Mr. V. Murugesan
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 Commissioner of Police, Avadi City, in No.119/BCDFGISSSV/2024 dated 05.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of the documents relied on by the detaining authority would reveal that, the detenu had been arrested on 24.06.2024, however the impugned order of detention has been issued on 05.08.2024, 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 No.119/BCDFGISSSV/2024 dated 05.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Karthick @ Local S/o. Pandurangan, aged 22 years, now 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.]

[M.J.R., J.]

07.11.2024

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

mrp



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

mrp

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police,
Avadi City,
Tiruvallur District.
3. The Inspector of Police,
E3 Minjur Police Station,
Tiruvallur District.
4. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai
5. The Public Prosecutor,
High Court, Madras.

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