



WEB COPY



HCP.No.2623 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM :

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

H.C.P.No.2623 of 2024

Mohamedalfahidu

...Petitioner /brother of the detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police/detaining authority,
Coimbatore City,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. State rep. by its
The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore District.

.... Respondents

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



HCP.No.2623 of 2024

of Habeas Corpus, to call for the entire records, in connection with the order of detention passed by the 2nd respondent dated 25.07.2024 in C.No.85/G/IS/2024 against the petitioner brother S.Mohamed Abdul Hakkem, M/22 years, S/o. Subaiyar Ali, who is confined at Central Prison, Coimbatore and set aside the same and consequently direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty.

For Petitioner : Mr. A. Saranraj
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, Coimbatore City, in C.No.85/G/IS/2024 dated 25.07.2024 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 15.06.2024, however the impugned order of detention has been issued on 25.07.2024, after a lapse of more than one month.



HCP.No.2623 of 2024

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. C.No.85/G/IS/2024 dated 25.07.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., S.Mohamed Abdul Hakkem, age 22 years, S/o. Subaiyar Ali, 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.]

11.11.2024

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 Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police/detaining authority,
Coimbatore City,
Coimbatore District.
3. The Superintendent,
Central Prison,
Coimbatore.
4. The Inspector of Police,
Kavundampalayam Police Station,
Coimbatore District.
5. The Public Prosecutor,
High Court, Madras.

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