



WEB COPY



HCP.No.2796 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2024

CORAM :

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

H.C.P.No.2796 of 2024

Thavamani

... Petitioner /mother of the detenu

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police/Detainingl Authority,
Coimbatore City,
Coimbatore District
3. The Superintendent of Prison,
Central Prison, -Coimbatore,
Coimbatore District.
4. Stat rep. by its
The Inspector of Police,
Cyber Crime Police Station,
Coimbatore District.
(Crime No.187/2024

.... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records relating to the petitioner's son detention under Section 2(bb) of Tamil Nadu Act 14 of 1982 vide detention order, dated 09.08.2024 on the file of the second respondent herein made in proceedings C.No.98/G/IS/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely M.Gowtham, S/o. Murugesan, aged 31 years, before this Court and set him at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr. W. Camyles Gandhi
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 C.No.98/G/IS/2024 dated 09.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The special report submitted by the Sponsoring Authority is undated. The report has been enclosed at page 44 of the booklet served on the detenu and



HCP.No.2796 of 2024

deprived the detenu from making effective representation. The above lapses on the part of the authority would be sufficient for the purpose of setting aside the order of detention.

3. Hence, for the aforesaid reason, the detention order passed by the second respondent in C.No.98/G/IS/2024 dated 09.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., M.Gowtham, S/o. Murugesan, aged 31 years, 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.]
20.11.2024

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

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police/Detaining Authority,
Coimbatore City, Coimbatore District



HCP.No.2796 of 2024

3. The Superintendent of Prison,
Central Prison, -Coimbatore,
Coimbatore District.
4. The Inspector of Police,
Cyber Crime Police Station,
Coimbatore District.
5. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.

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