WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

H.C.P.No.2964 of 2024

Vadivambal ... Petitioner/Mother of detenue

Vs.

1.State Rep.by the Addl.Chief Secretary
to the Govt, Home, Prohibition and
Excise Department, Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
O/o.Commissioner of Police,
Greater Chennai, Vepery,
Chennai – 600 007.

3.The Superintendent,
Central Prison,
Puzhal, Chennai – 600 066.

4.The Inspector of Police,
F1 Chinthadripet Police Station,
Chinthadripet, Chennai – 600 002. ... Respondents

PRAYER: Petition filed under Article 226 of 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 22.08.2024 for Memo

https://www.mhc.tn.gov.in/judis

WEB COPY

No.868/BCDFGISSSV/2024 against the petitioner's son Thiru.Appu S/o.Babu male aged 32 years and he is presently confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenue before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.N.Selvarajan

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 proceedings No. 868/BCDFGISSSV/2024 dated 22.08.2024 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 16.06.2024, however the impugned order of detention has been issued on 22.08.2024, after a lapse of more than two months.

https://www.mhc.tn.gov.in/judis

WEB COPY

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. 868/BCDFGISSSV/2024 dated 22.08.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Appu S/o.Babu, male aged 32 years, and he is presently 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.]
03.12.2024

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

To
1.State Rep.by the Addl.Chief Secretary
to the Govt, Home, Prohibition and
Excise Department, Secretariat,
Chennai – 600 009.

2.The Commissioner of Police,
O/o.Commissioner of Police,
Greater Chennai, Vepery,Chennai – 600 007.

https://www.mhc.tn.gov.in/judis

WEB COPY

3.The Superintendent,
Central Prison, Puzhal, Chennai – 600 066.

4.The Inspector of Police,
F1 Chinthadripet Police Station,
Chinthadripet, Chennai – 600 002.

5. The Public Prosecutor,
High Court, Madras.

https://www.mhc.tn.gov.in/judis

WEB COPY

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

sms

H.C.P.No.2964 of 2024

03.12.2024

https://www.mhc.tn.gov.in/judis