



HCP.No.2929 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.12.2024

CORAM :

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

H.C.P.No.2929 of 2024

1 S.Manimegalai ... PETITIONER

Vs

1 The State Of Tamil Nadu
Rep. By The Additional Chief Secretary
To Government, Home, Prohibition And Excise
Department, Secretariat, Chennai - 600 009.

2 The Commissioner Of Police
Greater Chennai, Office Of The Commissioner
Of Police, Vepery Chennai - 600 007.

3 The Superintendent Of Prison
Central Prison-2, Puzhal, Chennai - 60 066.

4 The Inspector Of Police (I & O)
P-5, MKB Nagar Police Station
Chennai - 600 039.

...

RESPONDENTS

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records from the 2nd respondent in connection with Memo No.1089/BCDFGISSSV/2024 dated 26.10.2024 and quash the same and produce the Petitioner's husband namely Sathyamoorthy S/o.Kannan aged 58 years now confined in Central Prison-2 Puzhal Chennai under the Tamil Nadu Act 14 of 1982 before this Honble Court and set him at liberty.



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For Petitioner : Mr. P.Pugalenthi
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 Memo No.1089/BCDFGISSSV/2024 dated 26.10.2024 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 18.09.2024, however the impugned order of detention has been issued on 26.10.2024, after a lapse of more than one month.

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.



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4. Hence, for the aforesaid reason, the detention order passed by the second respondent in Memo No.1089/BCDFGISSSV/2024 dated 26.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sathyamoorthy S/o.Kannan, aged 58 years, now confined in Central Prison-2, 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.]
10.12.2024

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

mrp

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- 5 The Public Prosecutor,
High Court, Madras



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