



WEB COPY



HCP.No.2972 of 2024

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.2972 of 2024

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Petitioner/wife of detenue

vs.

1.The Additional Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai – 600 009.

2.The District Collector and
District Magistrate, Coimbatore.

3.The Superintendent of Police,
Coimbatore District.

4.The Superintendent of Prison,
Central Prison, Coimbatore – 18.

5.The State Rep.by its
Inspector of Police,
Perur Prohibition Enforcement Wing,
Coimbatore.

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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



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detention passed by the second respondent dated 20.10.2024 in Cr.M.P.No.64/B.L./2024 against the petitioner's husband namely Praveen, Male, aged 38 years, S/o.Babu, who is confined at Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
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 in Cr.M.P.No.64/B.L./2024 dated 20.10.2024 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 15.09.2024, however the impugned order of detention has been issued on 20.10.2024, after a lapse of more than one month.



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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 second respondent in Cr.M.P.No.64/B.L./2024 dated 20.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Praveen, Male, aged 38 years, S/o.Babu, who is 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.]
03.12.2024

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

To
1.The Additional Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai – 600 009.



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- 2.The District Collector and
District Magistrate, Coimbatore.
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Perur Prohibition Enforcement Wing,
Coimbatore.
6. The Public Prosecutor,
High Court, Madras.



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AND
M.JOTHIRAMAN, J.

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