



HCP(MD). No.244 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Thursday, the Fifth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
AND
The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

HCP(MD). No.244 of 2024

Balasubramanian @ Kuttu Balu @ Balu

... Petitioner/Detenu

Vs

1 The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department
Secretariat,
Fort St.George, Chennai- 600009.

2 The Commissioner of Police,
Office of the Commissioner of Police
Trichy District.

3 The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli District.

... Respondents

Prayer :-

This petition filed under Article 226 of constitution of India to issue of writ of Habeas Corpus to call for the entire records connected with the Detention Order of



HCP(MD). No.244 of 2024

the second respondent in C.No.02/Detention/C.P.O/T.C/2024 dt.15.1.2024 and quash the same and direct the Respondents to produce the body or person of the detenu by name Balasubramanian @ Kutta Balu @ Balu,S/o.Thangaraj,aged 38 years, now detained as Goonda" at Trichy Central Prison, before this Court and set him at liberty forthwith

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.R.Algumani, Advocate for the Petitioner and of Thiru.S.Ravi, Additional Public Prosecutor for the respondents, this Court made the following order:

"We are constrained to point out that we had allowed the Habeas Corpus Petition in H.C.P(MD)No.244 of 2024 which had been filed questioning the detention order passed by the Commissioner of Police, Trichy, dated 05.01.2024 against the detenu, Balasubramanian @ Kutta Balu @ Balu, son of Thangaraj, who had been detained as "Goonda"and detained at Trichy Central Prison, for the only reason that the learned Judicial Magistrate No.V (FAC), Trichy, whose name is also given as Mr.M.Balaji, who had issued, what in our opinion or rather in the opinion of the learned Additional Public Prosecutor, it is a certified copy of the remand extension order, dated 19.12.2023 and 02.01.2024.

2.The Registry may direct the learned Judicial Magistrate No.V (FAC), Trichy, to examine the records relating to Crime No.1025 of 2023 of Goldenrock



HCP(MD). No.244 of 2024

Police Station, Trichirappalli, with respect to the accused Balasubramanian @ Kutta

WEB COPY

Balu @ Balu, son of Thangaraj and more particularly, the order dated 03.01.2024, by which, the altered provisions of offence had not been included, namely, Section 392 r/w. 397 IPC and also Section 25(i) of Arms Act and as to explain the format in which this particular order had been issued and give an explanation as to how the date 03.01.2024 had crept in, in a certified copy of the order which should be a true reflection of the actual order passed by the learned Judicial Magistrate.

3. The Registry may enclose the page Nos.30 and 66 of the paper book which also relate to the same Crime Number and the same accused, again issued by the same learned Judicial Magistrate No.V (FAC), Trichy. Explanation to be forwarded through proper channel and to be circulated.

4. Registry should call for explanation to be submitted on or before 30.09.2024."

Sd/-

Assistant Registrar()

// True Copy //

/09/2024

Sub Assistant Registrar
(CS-I / II / III / IV)



HCP(MD). No.244 of 2024

Encl: Xerox copy of Joint Remand Order.

WEB COPY

TO

- 1.The Judicial Magistrate No.V., (FAC) Trichy,
2. The Chief Judicial Magistrate, Trichy
3. The Registrar (Judicial)
Madurai Bench of Madras High Court, Madurai
4. The Section Officer,
"B" Section
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 05/09/2024

=====

ORDER

=====

HCP(MD). No.244 of 2024

SI -(18.09.2024) 4P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.