



HCP(MD). No.314 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Tuesday, the Third 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.314 of 2024

S.Palavesathammal .. Petitioner/ Mother of the detenue

Vs

- 1 The Additional Chief Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2 The District Collector and District Magistrate
Thoothukudi District,Thoothukudi
- 3 The Superintendent of Prison
Central Prison
Palayamkottai Tirunelveli
- 4 The Superintendent of Prison
District Jail Peravurani
Thoothukudi District. ... Respondents

Prayer :-

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



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To Detention order passed in H.S (M) Confdl No. 08/2024 dt. 20.02.2024 on the file of the respondent to produce the detenu or body of the detenu namely the petitioner's son i/e Andia @ Andikumar aged about 23 yrs S/o Sankarasubbu now detained at the District Jail, Perurani, Thoothukudi District before the Hon'ble 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. N.Pragalathan, Advocate for the Petitioner and of Thiru.S.Ravi, Government Advocate for the respondent(s), this Court made the following order:

“We are quite distressed with the fact that HCP(MD)No.314 of 2024 had to be allowed on the ground that though remand warrant had been issued by the learned Judicial Magistrate No.II, Srivaikundam on 08.02.2024 authorizing the Superintendent, District Jail, Perurani to remand the accused Andia @Andikumar S/o.Sankarasubbu, residing at South Street, Padmanabamangalam, Srivaikundam Taluk , who was an accused in Seithunganallur Police Station in Crime No. 19 of 2024 for the offences under Sections 294(b),384,307 and 506(ii) of IPC and to detain the said accused in custody for a period of nine days and to produce him on 16.02.2024 at 10.30 a.m., the initial order of remand after the said warrant had been



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executed by the prison authorities had not been passed by the learned Judicial Magistrate. The next document which is available is dated 16.02.2024 by which the remand was extended till 01.03.2024 but the initial remand order of remand is not available and had not been forwarded to the detenue/ Andia @Andi kumar.

2. It is to be noted that as against the detenue there was five adverse cases and in the fifth adverse case he was already in custody. The ground case was registered under Section 307 of IPC. The Registry may call for explanation from the learned Judicial Magistrate No.II, Srivaikundam as to how he granted extension of remand when he had not ordered initial remand of the said accused/ Andia @ Andikumar in Crime No. 19 of 2024 registered by Seithunganallur Police Station for the offences under Section 294(b), 384,307 and 506(ii) of IPC. The said explanation should be forwarded through proper channel and placed before us.

3. Additionally we also see from the records that Superintendent of Prison, District Jail, Perurani on receipt of remand order extended the custody for a period of nine days to the accused/ Andia @ Andikumar, S/o.Sankarasubbu, residing at South Street, Padmanabamangalam, Srivaikundam Taluk who was already in custody at District Jail, Perurani, consequent to the remand order issued by the learned Judicial Magistrate No.II, Srivaikundam. But after executing the warrant he had not taken any steps to produce the accused before the learned Judicial



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Magistrate No.II, Srivaikundam to remand the accused. Necessary explanation may be obtained by the Superintendent of Prison, Central Prison, Palayamkottai from the Superintendent of Prison, District Jail, Perurani and forwarded to us so that further orders in respect of the same may be passed by us.

3. List the case on 25.09.2024 for compliance."

Sd/-

Assistant Registrar(C.O)

// True Copy //

10/09/2024

Sub Assistant Registrar

TO

1. The Additional Chief Secretary to Government
Home Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2 The District Collector and District Magistrate
Thoothukudi District,Thoothukudi
- 3 The Superintendent of Prison
Central Prison
Palayamkottai Tirunelveli
- 4 The Superintendent of Prison
District Jail Peravurani
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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Copy to:

- 1) The Judicial Magistrate No.II,
Srivaikundam.
- 2) The Section Officer,
“B” Section,
Madurai Bench of Madras High Court,
Madurai.
- 3) The Court Manager,
Madurai Bench of Madras High Court,
Madurai.



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ORDER DATED : 03/09/2024

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ORDER
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SI -(10.09.2024) 6P/ 9C

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