



HCP(MD). No.397 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Wednesday, the Fourth 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.397 of 2024

Nanthakumar

... Petitioner/Detenuue

Vs

- 1 The Additional Chief Secretary to Government,
Home Prohibition and Excise Department,
Secretariat Chennai-9
- 2 The District Magistrate and District Collector,
Office of the The District Magistrate and District Collector
Thoothukudi District, Thoothukudi.
- 3 The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

Prayer :-

This Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the entire records connected with the Detention order of the second respondent in H.S(M) Confdl.No.06/2024 dt 16.02.2024 and quash the same and direct the respondents to produce the body or person of the detenu by



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name Nanthakumar S/o.Sakthivel age 23 yrs now detained as Goonda at Palayamkottai 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.Alagumani, Advocate for the Petitioner and of Thiru.Mr.S.Ravi, Additional Public Prosecutor for the respondents, this Court made the following order:

We are deeply distressed with the fact that we are constrained to allow H.C.P. (MD) No.397 of 2024 relating to the detainee Nanthakumar, S/o.Sakthivel, Door No.152B, Sangukuli Colony, Mettupatti, Thoothukudi, Thalamuthu Nagar Police Station Limit, Thoothukudi Taluk, Thoothukudi District confined at Central Prison, Palayamkottai only because of nature of order of remand passed by the learned Judicial Magistrate No.I, Thoothukudi relating to the First Information Report in Crime No. 17 of 2024 registered for the offences under Sections 294(b),307,436,506(ii) of IPC and Section 4 of TNPPDL Act registered by the Thalamuthu Nagar Police Station, Thoothukudi District. The requisition was given to the learned Judicial Magistrate No.II, Thoothukudi.

2. We would direct the Registry to direct learned Chief Judicial Magistrate, Thoothukudi to make necessary enquiry about who was the jurisdictional



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Magistrate who had noted the remand order on 22.01.2024 which is totally illegible and we could not decipher as to what was written by the learned Magistrate, after determining as to whether it was Judicial Magistrate No.I or Judicial Magistrate No.II, the Registry may call for necessary explanation and forward the same to this Court.

3. List the case on 25.09.2024 for compliance.

Sd/-

Assistant Registrar (CO)

// True Copy //

/09/2024

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

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TO

1. The Chief Judicial Magistrate
Thoothukudi
2. The Registrar (Judicial)
Madurai Bench of Madras High Court
Madurai



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Copy to:

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1. The Section Officer,
"B" Section
Madurai Bench of Madras High Court, Madurai
2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 04/09/2024

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ORDER

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Giving direction and etc.
as stated within.

RD(10/09/2024) 4P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.