



H.C.P.(MD)No.703 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

H.C.P.(MD)No.703 of 2024

Prabha

... Petitioner / Wife of the Detenu

Vs.

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-09.
- 2.The District Collector and District Magistrate,
Theni District,
Theni.
- 3.The Superintendent of Prison,
Central Prison,
Madurai District.
- 4.The Inspector of Police,
Thenkarai Police Station,
Theni District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the records in detention order No.27/2024, dated 29.05.2024 and set aside the same and direct the respondents herein to produce the detenu, Prabu aged 36 years S/o.Palraj, who has been termed as “Goonda” now confined in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2. The petitioner's husband was detained as Goonda vide order dated 29.05.2024 by the second respondent. The detenu was arrested and remanded on 03.05.2024. In the booklet supplied to the detenu, copy of the remand order was not enclosed. However, in the grounds of detention, there is a reference to the remand order. It appears that the detaining authority has gone by the averments set out in the proposal of



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the sponsoring authority. This betrays non-application of mind on the part of the second respondent. Failure to supply the remand order also has breached the fundamental right granted to the detenu to give a effective representation under Article 22 of the Constitution of India. On these twin grounds, we quash the impugned order. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
03.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

Note:Issue Order Copy on 04.12.2024.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-09.
- 2.The District Collector and District Magistrate,
Theni District,
Theni.

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- 3.The Superintendent of Prison,
Central Prison,
Madurai District.
- 4.The Inspector of Police,
Thenkarai Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

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