



H.C.P.(MD)No.751 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.751 of 2024

S.Nithya

... Petitioner / Wife of Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.

2.The District Collector and District Magistrate,
Theni, Theni District.

3.The Superintendent of Prison,
Central Prison, Madurai. ... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, calling for the records in pursuant to the proceedings of the 2nd respondent in Detention Order No.07/2024 dated 12.02.2024 quash the same and consequently direct the respondents to produce the detenu, namely, Surulivel, S/o.Vellaisami, aged 41 years who now detained in Central Prison, Madurai before this Court and set him at liberty.



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For Petitioner : No appearance

For Respondents : Mr.T.Senthilkumar
Addl. Public Prosecutor.

ORDER

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

The petitioner's husband was detained as “Sexual Offender” vide order dated 12.02.2024 by the second respondent. He is an accused in Crime No.40 of 2023 registered on the file of All Women Police Station, Uthamapalayam for the offences under Section 376AB IPC and Sections 7 and 8 of Protection of Children from Sexual Offences Act, 2012. Questioning the said detention order, this habeas corpus petition has been filed.

2.When the matter was taken up for hearing on 17.10.2024, there was representation for the petitioner. Today, ie., 09.12.2024, when the matter was taken up for hearing, there has been no representation. Certain cases will have to heard on merits and given disposal based on the available records even if there is no representation. The case on hand would not fall under such category. Since there is no representation for



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the petitioner, we have to necessarily dismiss the petition for default.

Hence, this habeas corpus petition is dismissed for default.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 9.
- 2.The District Collector and District Magistrate,
Theni, Theni District.
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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