



WEB COPY



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H.C.P.(MD)NO.773 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

H.C.P.(MD)No.773 of 2024

Parvathi

... Petitioner/ Mother of the detenu

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.

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

... Respondents

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records pertaining to the impugned detention order passed by the 2nd respondent made in his proceedings in C.No. 57/Detention/C.P.P./T.C/2024 dated 14.06.2024 in detaining the detenu under Section 2(f) of the Tamilnadu Act 14 of 1982 as Goonda and quash the same and direct the respondents to produce the detenu namely Loganathan, S/o.Periyasamy, Male, aged about 30 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.



For Petitioner : Mr.K.M.Karunakaran
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 son was detained as Goonda vide order dated 14.06.2024. Representation dated 28.06.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 29.06.2024. However, the Deputy Secretary dealt with the file on 08.07.2024. We notice that there is an unexplained delay of five days in considering the representation. The delay of five days in considering the representation is fatal to the continuance of the detention.

3. In this view of the matter, we hold that the detenue's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.



4.This habeas corpus petition is allowed accordingly.

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(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
10th December 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

Note : Issue order copy on 11.12.2024.

To:

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Police,
Tiruchirappalli City,
Tiruchirappalli.
3. The Superintendent of Prison,
Central Prison,
Tiruchirappalli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



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