



WEB COPY



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H.C.P.(MD)NO.777 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.777 of 2024

Sumathi

... Petitioner / Mother of the detenu

Vs.

1. State of Tamil Nadu rep. By,
The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 9.

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, calling for the records pertaining to the impugned detention order passed by the second respondent made in his proceedings in C.No.62/Detention/CPO/TC/2024 dated 19.06.2024 detaining the detenu under Section 2(f) of the Tamil Nadu Act 14 of 1982 as Goonda and quash the same and direct the respondents to produce the detenu Dhinesh S/o.Ganthi, aged 24 yrs who is detained in Central Prison, Tiruchirappalli.



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 19.06.2024. Representation dated 27.06.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 05.07.2024. However, the Deputy Secretary dealt with the file on 12.07.2024. We notice that there is an unexplained delay of four days in considering the representation. The delay of four 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.

(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.

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To:

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

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