



H.C.P(MD)No.849 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM:

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

H.C.P.(MD) No.849 of 2024

R.Karthikeyan ... Petitioner / Son of the Detenue's elder brother

Vs.

1.The Principal Secretary to
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai.

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

3.The Inspector of Police,
D3-Koodalputhur Police Station,
Madurai District.

4.The Superintendent of Central Prison,
Madurai, Madurai District.

... Respondents

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 relating to the detention order passed by the second respondent in No. 24/BCDFGISSSV/2024, dated 12.06.2024 and quash the same as illegal



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and direct the respondents to produce the body or person of the detenu by name Senthilkumar S/o.Thangavel aged about 48 years, now detained at Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.S.Kishorekumar

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

ORDER

Heard both sides.

2. The petitioner was detained as sexual offender vide order dated 12.06.2024 by the Commissioner of Police, Madurai City. The ground case on which the detention order was passed was registered on 24.03.2024. The detenue was arrested on the same day. There is a gap of full 80 days between the date of arrest and the date of the detention order which was passed on 12.06.2024.

3. The Hon'ble Supreme Court in ***Sushanta Kumar Banik Vs. State of Tripura reported in (2022 Livelaw (SC) 813)*** held as follows:-

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of



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the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

4. In this case, there is an inordinate delay from the date of arrest and the date of detention. The “live and proximate link” between the two got snapped. The detention order is quashed on this ground. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5. Considering the gravity of the offences, we direct the court below to expedite the trial. The Habeas Corpus Petition is allowed.

(G.R.S., J.) (R.P., J.)
06.01.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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NOTE: Issue Order Copy on 07.01.2025



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AND
R.POORNIMA, J.

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To

- 1.The Principal Secretary to
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Secretariat, Chennai.
- 2.The Commissioner of Police,
Madurai City, Madurai.
- 3.The Inspector of Police,
D3-Koodalputhur Police Station,
Madurai District.
- 4.The Superintendent of Central Prison,
Madurai, Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER MADE IN
H.C.P.(MD) No.849 of 2024

06.01.2025