



H.C.P.(MD)No.877 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM

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

H.C.P.(MD)No.877 of 2024

Abishek

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600009.

2.The Commissioner of Police,
Office of the Commissioner,
Trichy.

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

... 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 entire records connected with the detention order of the second respondent passed in C.No.42/Detention/C.P.O/T.C/2024, dated 16.05.2024 and



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quash the same and direct the respondents to produce the detenu or body of the detenu namely Abishek S/o.Mohan aged about 20 years, now detained as 'Goonda' at Trichy, Central Prison before this Court and set him at liberty forthwith.

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 detenu is the petitioner. He was detained as “Goonda” vide order dated 16.05.2024. Representation dated 09.07.2024 was submitted seeking revocation of the detention order.

3. The ASO dealt with the file on 18.07.2024. However, the Hon'ble Deputy Secretary dealt with the file on 26.07.2024. 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.



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4.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.

5.This habeas corpus petition is allowed accordingly.

(G.R.S. J.,) & (R.P. J.,)
26.11.2024

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

Note:Issue Order Copy on 28.11.2024.

To:-

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai-600009.

2.The Commissioner of Police,
Office of the Commissioner,
Trichy.

3.The Superintendent of Prison,
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Trichirappalli.



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4. The Additional Superintendent of Prison,
District Jail,
Nagercoil,
Kanniyakumari District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
R.POORNIMA, J.

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