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H.C.P.(MD)NO.947 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.947 of 2024

Manoj Kumar

... Petitioner/ Detenu

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.
2. The District Magistrate and District Collector,
O/o.the District Magistrate and District Collector,
Dindigul District,
Dindigul.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... 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 entire records connected with the detention order of the second respondent in detention order No.54/2024 dt 12.06.2024 and direct the respondents to produce the person of the detenu by name Manojkumar, S/o.Amirtha Ganesan, aged 26 years, confining at Madurai Central Prison before this Court and set him at liberty forthwith.



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H.C.P.(MD)NO.947 OF 2024

For Petitioner : Dr.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 petitioner was detained as Goonda vide order dated 12.06.2024. Representation seeking revocation of the detention order was received on 26.06.2024. The Under Secretary dealt with the file on 28.06.2024. However, the Deputy Secretary dealt with the file on 05.07.2024. 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.

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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,
Fort St. George, Chennai – 600 009.
2. The District Magistrate and District Collector,
O/o.the District Magistrate and District Collector,
Dindigul District,
Dindigul.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

R. POORNIMA, J.

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