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H.C.P.(MD)NO.1005 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.1005 of 2024

Saranya

... Petitioner/ Wife of the detenu

Vs.

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

Prayer: Habeas Corpus petition is filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to direct the respondents to produce the person or body of detenu namely Sundar @ Suthamalli Sundhar, S/o.Murugan, aged about 34 years before this Court who is now detained in the Central Prison, Madurai in pursuant to the detention order passed by the second respondent in detention order No.56/2024 dated 12.06.2024 and to call for the records and quash the same and set the detenu at liberty forthwith.



For Petitioner : Mr.S.Arunnithy
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 by the second respondent. Representation dated 19.06.2024 was submitted for revocation of the detention order. 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.

WEB COPY

(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 District Magistrate and District Collector,
O/o.the Collectorate,
Dindigul,
Dindigul District.
3. The Superintendent of Prison,
Central Prison,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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