



H.C.P.(MD)No.1136 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.12.2024

CORAM

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

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Muthumari

... Petitioner / Mother of the Detenu

Vs.

**1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.**

**2.The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli.**

**3.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.**

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for the issue of a Writ of Habeas Corpus, calling for the entire
records, connected with the detention order of the second respondent in
C.No.48/Detention/C.P.O/TC/2024 dated 30.05.2024 and quash the same



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and direct the respondents to produce the body or person of the detenu by name Marimuthu, son of Muthuramalingam aged about 26 years now detained as “Goonda” at Tiruchirappalli Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Abdul Rahuman

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

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2. The petitioner's husband was detained as Goonda vide order dated 30.05.2024 passed by the second respondent. Representation dated 05.06.2024 was submitted seeking revocation of the detention order.

3. The Under Secretary dealt with the file on 25.06.2024. However, the Deputy Secretary dealt with the file on 01.07.2024. We notice that there is an unexplained delay of three days in considering the representation.



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4. In this view of the matter, we hold that the detenu'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.)
03.12.2024

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

Issue order copy on 04.12.2024.

To:-

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Tiruchirappalli City, Tiruchirappalli.
3. The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.

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



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and
R.POORNIMA, J.

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