



H.C.P.(MD)No.1310 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.1310 of 2024

Ramkumar

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.

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

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

... 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 in pursuant to the proceedings of the second respondent in Detention Order in 02/BCDFGISSSV/2024, dated 20.02.2024 and quash



H.C.P.(MD)No.1310 of 2024

the same and consequently, direct the respondents to produce the detenue namley Ramkumar S/o.Muthukumar aged 23 years who is now detained in Central Prison, Madurai before this Court and set him at liberty.

For Petitioner : Mr.P.Dhanraj

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 branded as “Goonda”and detained vide order dated 20.02.2024 by the second respondent. Representation dated 16.09.2024 was submitted seeking revocation of the detention order.

3. We are satisfied 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.

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.



H.C.P.(MD)No.1310 of 2024

WEB COPY

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,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-9.
- 2.The Commissioner of Police,
Madurai City,
Madurai.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



H.C.P.(MD)No.1310 of 2024

G.R.SWAMINATHAN, J.
and
R.POORNIMA, J.

rmi

H.C.P.(MD)No.1310 of 2024

26.11.2024