



H.C.P.(MD)No.1224 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2024

CORAM

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

H.C.P.(MD)No.1224 of 2024

Kalaiyaran

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
Home,Prohibition and Excise Department,
State of Tamilnadu, Secretariat,
Fort St.George, Chennai – 600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Perambalur District, Perambalur.

3.The Superintendent,
Trichy Central Prison,
Trichy District.

... 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 respondent No.2 in CrI.M.P.No.12/2024 dated 08.06.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name



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Kalaiyarasan, S/o.Subramani, aged about 24 years now confining as “Goonda” at Trichy Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.T.Senthilkumar,
Addl. Public Prosecutor.

ORDER

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

The petitioner was detained as “Goonda” vide order dated 08.06.2024 by the second respondent. He was arrested in the ground case on 22.02.2024. The detention order was passed only on 08.06.2024. There is a gap of 107 days between the date of arrest and the date of detention.

2.The petitioner's counsel relies on the decision of the Hon'ble Supreme Court reported in **(2022 Livelaw (SC) 813) (Sushanta Kumar Banik Vs. State of Tripura)**. The Hon'ble Supreme Court in the said decision held as follows:-

“20. It is manifestly clear from a conspectus of the above decisions of this Court, that the underlying principle is that if there



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is unreasonable delay between the date of the order of detention & actual arrest of the detenu and in the same manner from the date of the proposal and passing of the order of detention, such delay unless satisfactorily explained throws a considerable doubt on the genuineness of the requisite subjective satisfaction of the detaining authority in passing the detention order and consequently render the detention order bad and invalid because the “live and proximate link” between the grounds of detention and the purpose of detention is snapped in arresting the detenu. A question whether the delay is unreasonable and stands unexplained depends on the facts and circumstances of each case.”

3. We are satisfied that the aforesaid decision clearly applies to the case on hand. The detention order is quashed on this ground. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

4. This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
09.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 10.12.2024.



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- 3.The Superintendent,
Trichy Central Prison,
Trichy 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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