



CRL MP(MD) No.11062 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Saturday, the Nineteenth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and
The Hon`ble Ms.Justice R. POORNIMA

CRL MP(MD) No.11062 of 2024
in
HCP(MD)No.808 of 2024

SURYA

... PETITIONER/PETITIONER

Vs

1 THE STATE OF TAMIL NADU
REP BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

2 THE COMMISSIONER OF POLICE
TIRUCHIRAPPALLI CITY, TIRUCHIRAPPALLI

3 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, CUDDALORE ... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to direct the respondents to temporarily release the detenu namely Babu @ Mittai Babu, Son of Mohamed Hussain Male aged about 30 yrs who is detained in Central Prison, Cuddalore detained as Goonda under Preventive detention by the order passed by the Respondent No.2 in C.No.65/Detention/C.P.O/TC/2024 dated 24.06.2024 for 30 days for taking treatment at Thirumurugan Hospital, Trichy.



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Prayer in Habeas Corpus Petition(MD) No. . 808/ 2024 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith, the High Court will be pleased H2-Go.Detention order passed by the R2 made in his Proceedings in C.No.65/Detention/C.P.O/T.C/24 dt 24.6.24 the detenu U/s.2(f)of TN Act 14/1982 as a Goonda the respondent to produce the detenu namely Babu@Mittai Babu S/o.Mohamed Hussain, Male 30 yrs who is detained in Central Prison, cuddalore, before this Hon'ble Court and set him at liberty.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.K.M.KARUNAKARAN, Advocate for the petitioner and of Mr.T.SENTHIL KUMAR, Additional Public Prosecutor on behalf of the Respondents, the Court made the following order:-

This Criminal Miscellaneous Petition has been filed in pending Habeas Corpus Petition in HCP(MD) No.808 of 2024 seeking temporary release of the detenu Babu @ Mittai Babu who had been detained at Central Prison, Cuddalore having been categorized as Goonda under the preventive detention order passed by the second respondent/Commissioner of Police, Tiruchirapalli District in C. No.65/Detention//C.P.O/TC/2024 dated 24.06.2024. It is stated that he has to take treatment at Thirumugan Hospital at Trichy. In this connection a representation had been given on 01.10.2024.

2. Section 15 of the Tamil Nadu Prevention of Dangerous Activities of Boot Leggers, Cyber law offenders, Drug offenders, Forest offenders, Goondas,



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Immoral Traffic Offenders, Sand offenders, Sexual offenders, Slum grabbers and video pirates Act 1982, provides that it is only the State Government which is competent to examine any recommendation relating to temporary release of the detainee.

3. We would place an obligation on the first respondent to take a concrete decision on the facts and circumstances of the case and pass necessary orders within a period of four weeks from the date of receipt of a copy of this order.

4. This Criminal Miscellaneous Petition is disposed of accordingly.

sd/-
19/10/2024

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/10/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV
TO

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU
HOME, PROHIBITION AND EXCISE DEPARTMENT,
SECRETARIAT, CHENNAI-600 009.

2 THE COMMISSIONER OF POLICE
TIRUCHIRAPPALLI CITY, TIRUCHIRAPPALLI



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3 THE SUPERINTENDENT OF PRISON
CENTRAL PRISON, CUDDALORE

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP(MD) No.11062 of 2024
in
HCP(MD)No.808 of 2024
Date :19/10/2024

SS/MMS/SAR- /23/10/2024/ 4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023