



H.C.P.No.943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 21.05.2025

C O R A M

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

H.C.P.No.943 of 2025

Mr.Rajkumar

... Petitioner

-VS-

1. The State Rep. by its
The Principal Secretary to Government,
Prison Department (IV),
St.George Fort, Secretariat,
Chennai-600 009.

2. The Director General of Prison,
No.1, Gandhi Irwin Road,
CMDA Building, Chennai-600 008.

3. The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District-600 066.

... Respondents

Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India to produce the petitioner Mr.Rajkumar, S/o.Marimuthu (CT No.2647) aged about 42 years before this Court forthwith, illegally detained by the respondents.

For Petitioner : Mr.Mohamed Saifullah

For Respondents : Mr.E.Raj Thilak

Addl. Public Prosecutor

ORDER



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(By G.R.SWAMINATHAN,J.)

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This Habeas Corpus Petition has been filed to produce the petitioner Mr.Rajkumar, S/o.Marimuthu (CT No.2647) aged about 42 years before this Court forthwith, illegally detained by the respondents.

2. Heard both sides.

3. The petitioner has been undergoing life sentence in Central Prison, Puzhal-I. He filed W.P.No.22374 of 2024 before this Court. Vide order dated 17.02.2025, the said Writ Petition was allowed in the following terms:

"7. For all the foregoing reasons, the impugned G.O.(D).No.782, Home (Prison-IV) Department, dated 22.06.2024, is hereby quashed. Consequently, the respondents herein shall forthwith release the petitioner namely Rajkumar, S/o.Marimuthu, aged about 41 years, Convict No.2647, now confined in Central Prison Puzhal-I, Thiruvallur District, prematurely under G.O.Ms.No.488, Home (Pri-IV) Department, dated 15.11.2021, in any event, within a period of four (4) weeks from the date of receipt of a copy of this order"

4. The case of the petitioner is that though more than 90 days have lapsed, he has not yet been released.



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5. Learned Additional Public Prosecutor submits that the order of this Court has been put to challenge before the Hon'ble Supreme Court. But till date, no interim order has been obtained by the State. Therefore, we are obliged to give effect to the order dated 17.02.2025 passed by this Court in W.P.No.22374 of 2024.

6. At this stage, learned Additional Public Prosecutor submits that in the event of the Supreme Court reversing the order of this Court and granting stay of the order, the petitioner must be available.

7. Faced with this situation, learned counsel for the petitioner, on instructions undertakes that the petitioner will sign daily at 5:00pm before the Inspector of Police, Gummidipoondi Police Station, Thiruvallur District and this arrangement will continue upto 31.07.2025. It is for the State to obtain appropriate order from the Hon'ble Supreme Court in the meanwhile. Even on 31.07.2025, if the State is unable to obtain any order from the Hon'ble Supreme Court against the order dated 17.02.2025 passed



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by this Court in W.P.No.22374 of 2024, the undertaking now given before us will cease to operate. Considering the fact that the detention of the petitioner is clearly illegal and breach of fundamental rights enshrined under Article 21 of the Constitution of India, we direct the 3rd respondent to release the petitioner forthwith without any delay.

8. With the above direction, this Habeas Corpus Petition is allowed.

(G.R.S.J.) (V.L.N,J.)
21.05.2025

Index: Yes / No

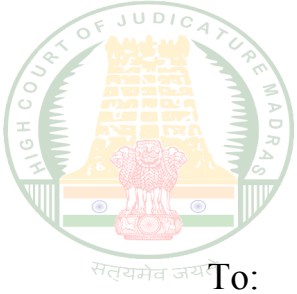
Internet: Yes / No

Speaking Order/ Non Speaking Order
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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.

2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



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To:
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4. The Inspector of Police,
Gummidipoondi Police Station,
Thiruvallur District.

G.R.SWAMINATHAN,J.,
AND
V.LAKSHMINARAYANAN,J.,



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