



HCP.No.3132 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

H.C.P.No.3132 of 2024

Nallammal

... Petitioner /mother of detenu

Vs

1 The Secretary To Government
Home, Prohibition and Excise Department
Fort St.George, Chennai-600 009.

2 The District Magistrate and District Collector,
Coimbatore District,
Coimbatore.

3. The Superintendent of Police,
Coimbatore District,
Coimbatore.

4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.

5. The Inspector of Police,
Gomangalam Police Station,
Coimbatore District

... Respondents



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PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records pertaining to the order of detention passed by the 2nd respondent in Cr.M.P.No.58/G/2024 dated 04.10.2024 against the petitioner's son Sabari S/o. Muthumani, male, aged 21 years, now confined in Central Prison, Coimbatore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr. T.Balaji
For Respondents : Mr. R. Muniyapparaj,
Additional Public Prosecutor

ORDER

(Order of the Court is made by M.JOTHIRAMAN, J.)

The order of detention passed by the second respondent, in No. Cr.M.P.No.58/G/2024 dated 04.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. A perusal of the documents relied on by the detaining authority would reveal that, the detenu had been arrested on 27.08.2024, however the impugned order of detention has been issued on 04.10.2024, after a lapse of more than one month.

3. The fact about the long delay would be sufficient to drop an inference that



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the detaining authority has failed to apply their mind for the purpose of issuing the

impugned order under Act 14 of 1982.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No. Cr.M.P.No.58/G/2024 dated 04.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Sabari S/o. Muthumani, male, aged 21 years, now confined in Central Prison, Coimbatore, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

28.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

mrp



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

To

- 1 The Secretary To Government
Home, Prohibition and Excise Department
Fort St.George, Chennai-600 009.
- 2 The District Magistrate and District Collector,
Coimbatore District,
Coimbatore.
3. The Superintendent of Police,
Coimbatore District,
Coimbatore.
4. The Superintendent of Prison,
Central Prison, Coimbatore,
Coimbatore District.
5. The Inspector of Police,
Gomangalam Police Station,
Coimbatore District
6. The Public Prosecutor,
High Court, Madras.

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