



H.C.P.(MD)No.961 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2025

CORAM

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

H.C.P.(MD)No.961 of 2024

Kool @ Kumaneswaran

... Petitioner / Detenu

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

3.The Superintend of Prison,
Madurai 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, calling for the entire records, connected with the detention order of the Respondent No.2 in CrI.M.P.No.17/Goonda/2024 dated 08.07.2024 and quash the same and direct the respondents to produce the body or person of the detenu by name Kool @ Kumaneswaran, son of Muthukrishnan, aged about 22



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years, now detained as “Goonda” at Madurai Central Prison before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Abdul Rahuman

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

ORDER

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

Heard both sides.

2.The petitioner was detained as “Goonda” vide order dated 08.07.2024 by the second respondent. Representation dated 19.07.2024 was submitted for revocation of the detention order. The Under Secretary dealt with the file on 12.08.2024. The Deputy Secretary dealt with the file on 22.08.2024. There is an unexplained delay of six days in dealing with the representation. We are satisfied that the detenu's right guaranteed under Article 22 of the Constitution of India has been infringed. It is well settled that delay in considering the representation of the detenu is fatal to the continuance of the detention.



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2.In this view of the matter, we hold that the detenu's continued detention is illegal. He shall be set at liberty forthwith unless his detention is otherwise warranted by law.

3.This habeas corpus petition is allowed accordingly.

(G.R.S. J.) & (R.P. J.)
20.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 21.01.2025.

To:-

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Sivagangai District, Sivagangai.
- 3.The Superintend of Prison,
Madurai Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

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