

H.C.P(MD)No.1355 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

CORAM:

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

H.C.P.(MD) No.1355 of 2024

Rajamani

... Petitioner / Mother of the detainee

Vs.

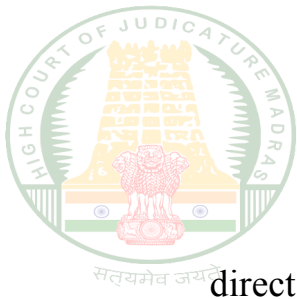
1.Government of Tamil Nadu,
Rep. By its Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St.George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District Magistrate,
Tiruchirappalli City.

3.The Superintendent,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Habeas Corpus, to call for the entire records connected Detention Order Cr.M.P.No.08/2024 on 03.07.2024 and detained at Central Prison, Tiruchirappalli and quash the same and



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direct the respondents to produce the body or person of the petitioner's son Jaisankar, Male aged about 26/2024 son of Periyasamy and set him at liberty forthwith.

For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

Heard both sides.

2. The petitioner's son was detained as Goonda vide order dated 03.07.2024 by the second respondent. The occurrence had taken place on 10.04.2024. The arrest of the detainee was also on the same day. The detention order was however passed on 03.07.2024. There is a gap of three months between the date of arrest and the date of passing of the detention order.

3. The Hon'ble Supreme Court in ***Sushanta Kumar Banik Vs. State of Tripura reported in (2022 Livelaw (SC) 813)*** held as follows:-



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

4. In this case, there is an inordinate delay from the date of arrest till the date of detention. The “live and proximate link” between the two got snapped. The detention order is quashed on this ground. The detenue shall be set at liberty forthwith unless his detention is otherwise warranted by law.

5. The Habeas Corpus Petition is allowed.

(G.R.S., J.) (R.P., J.)
06.01.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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NOTE: Issue Order Copy on 07.01.2025



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G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

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To

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

ORDER MADE IN
H.C.P.(MD) No.1355 of 2024

06.01.2025