



HCP.No.1282/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.10.2023

CORAM

THE HONOURABLE MR . JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

H.C.P.No.1282/2023

Priyadharshini

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Petitioner

Versus

1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition & Excise Department
Secretariat, Chennai.

2.The Commissioner of Police
The Greater Chennai Police
Vepery, Chennai.

3.The Inspector of Police
Team 28, Job Racket Prevention Wing
Central Crime Branch.

4.The Superintendent of Prisons
Puzhal Central Prison,
Chennai.

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Respondents



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Prayer:- Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the entire records connected with the detention order of the 2nd respondent herein pertaining to the order made in No.143/BCDFGISSSV/2023 dated 08.05.2023 and quash the same and direct respondents to produce the body and person of the detenu namely B.Sudhakar, S/o.Balu, aged about 42 years, who is detained at the Puzhal Central Prison, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.V.Logesh
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

(1)The petitioner, wife of the detenu herein, has come forward with this petition challenging the detention order passed by the 2nd respondent dated 08.05.2023 slapped on her husband, branding him as "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [Tamil Nadu Act 14 of 1982].



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- (2) Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.
- (3) Though several points have been raised by the learned counsel for the petitioner, the detention order is liable to be quashed on the sole ground that there is no proximity or live link between the date of occurrence and the date of passing of the Detention Order. Hence, the learned counsel prayed that the Detention Order is vitiated and is liable to be set aside.
- (4) It is seen that there are two adverse cases registered against the detenu, viz., Crime No.6/2019 and Crime No.6/2022 and the ground case in Crime No.49/2019. The detenu was originally arrested in the adverse cases and thereafter, on PT Warrant on 24.03.2023, she was arrested in the Ground Case which case was registered in the year 2019 ; whereas the Detention Order was passed on 08.05.2023. Thus, the subjective satisfaction arrived by the Detaining Authority while passing the detention order is vitiated on this ground and the same is liable to be quashed.
- (5) In view of the aforesaid reason, the detention order passed by the 2nd respondent dated 08.05.2023 in Memo No.143/BCDFGISSSV/2023 is



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hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Sudhakar, S/o.Balu, aged 42 years, is directed to be set at liberty forthwith unless she is required in connection with any other case.

[SSSRJ] [SMJ]
11.10.2023

AP

To

- 1.The Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai.
- 2.The Commissioner of Police
The Greater Chennai Police
Vepery, Chennai.
- 3.The Inspector of Police
Team 28, Job Racket Prevention Wing
Central Crime Branch.
- 4.The Superintendent of Prisons
Puzhal Central Prison,
Chennai.
- 5.The Public Prosecutor
High Court, Madras.



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S.S.SUNDAR, J.,
AND
SUNDER MOHAN, J.,

AP

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