



HCP.No.882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.882 of 2024

Ajaybabu

... Petitioner/husband of the
detenue

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai- 600 009.
2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
3. The Superintendent of Prisons,
Special Prison for Women, Puzhal,
Chennai - 600 066.
4. Inspector of Police,
F 5 Choolaimedu Police Station,
Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records leading to the detention of the petitioner's wife Jayanthi wife of Ajaybabu, female, aged about 32 years the detenu herein presently lodged in Special Prison for Women, Puzhal at Chennai who has been detained under Act 14/82 as a “Goonda” vide detention order dated 20.11.2023 made in No.601/BCDFGISSSV/2023 by the 2nd respondent herein and quash the same and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty.

For Petitioner : Mr.M.Rajavelu
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The preventive detention order passed by the second respondent dated 20.11.2023 is sought to be quashed in the present habeas corpus petition.

2. The proceedings of the learned XVII Metropolitan Magistrates Court, Saidapet - 15 enclosed at Page No.43 of the volume I of the booklet has not been properly translated.



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While adopting a pragmatic approach, the antecedent of the detainee is also to be taken into consideration by the Courts.

8. The detainee has already undergone imprisonment for about 09 months under the preventive detention law. That being the factum, keeping the detainee any more under preventive detention law is not desirable, since such detention is made in anticipation of commission of crime, which cannot be prolonged beyond the reasonable period of time.

9. Accordingly, the impugned order of detention passed by the second respondent in proceedings No.601/ BCDFGISSSV/2023 dated 20.11.2023 is quashed and the habeas corpus petition stands **allowed**. The detainee viz., Jayanthi wife of Ajaybabu, female, aged about 32 years lodged at Special Prison for Women, Puzhal at Chennai is directed to be set at liberty forthwith, unless she is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
20.08.2024

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

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To

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai- 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
4. The Superintendent of Prisons,
Special Prison for Women, Puzhal,
Chennai - 600 066.
5. Inspector of Police,
F 5 Choolaimedu Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai – 104.



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AND
V.SIVAGNANAM, J.

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