



WEB COPY



HCP.No.1156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

H.C.P.No.1156 of 2024

Punithavalli

... Petitioner

Vs.

State of Tamil Nadu rep. by

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Chennai District.
3. The Superintendent of Prison,
Central Prison Puzhal,
Chennai.
4. The Inspector of Police,
Villivakkam Police Station,
Chennai District,
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, relating to the order of detention passed by the 2nd respondent in 483/BCDFGISSSV/2024 dated 09.05.2024 against the petitioner's husband Jani @ Janakiraman, Male aged 32 years now confined in Central Prison Puzhal, Chennai and set aside the same and direct the respondents to produce the detainee before this Court and set him at liberty.

For Petitioner : Mr.V.Karthick

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the Commissioner of Police, Greater Chennai in proceedings No. 483/BCDFGISSSV/2024, dated 09.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Three adverse cases are relied upon for invoking Act 14 of 1982. The first case is Crime No.655 of 2020, the second case is Crime No.251 of 2021. Both the cases are under Narcotic Drugs and Psychotropic Substances Act, 1985. Third case in Crime No.101 of 2022 is under Sections 147, 148, 294(b), 307 IPC r/w 149 of



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IPC. All the three cases were registered long back, which would be sufficient to form an opinion that there is a likelihood of causing breach of public order. The adverse cases relied on by the detaining authority is not sufficient to invoke the provisions under the Act 14 of 1982.

3. Pertinently, the detinue was arrested on 02.04.2024 and the detention order was issued on 09.05.2024, after a lapse of more than one month. Therefore, the detention order reveals that there is no proper application of mind for invoking Act 14 of 1982. For the reasons stated above, this Court is inclined to interfere with the impugned order and quash the same.

4. Accordingly, the impugned order of detention in proceedings No. 483/BCDFGISSSV/2024, dated 09.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

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

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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

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To

1. The Secretary to Government,
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2. The Commissioner of Police,
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