



WEB COPY



HCP.No.1212 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2024

CORAM :

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

H.C.P.No.1212 of 2024

Rithik @ Rithik Kumar

... Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition & Excise Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
3. The Additional Superintendent,
Central Prison II,
Chennai.
4. The Inspector of Police cum
Sponsoring Authority,
C-1 flower 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 produce the body or person of the petitioner who is detained in 3rd respondent/the Additional Superintendent, Central Prison II, Chennai before this Court and set him at liberty forthwith by calling for the records pursuant to the detention order in No.446/BCDFGISSSV/2024, dated 02.05.2024, on the file of the 2nd respondent herein and quash the same.

For Petitioner : Mr.K.Anandharaja
for M/s.Murali Law firm

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.446/BCDFGISSSV/2024, dated 02.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The impugned order of detention has been issued by the Commissioner of Police, Greater Chennai. Admittedly, there is no adverse case against the detainee as per the detention order. However, it is admitted that there is a delay of six days in considering the representation submitted on behalf of the detainee and therefore, the order of detention is not inconsonance with the legal principles settled by the Hon'ble Supreme Court of India.



HCP.No.1212 of 2024

3.Strict application of procedure is to be followed in preventive detention cases. Even a small lapse will end in favour of the detenue and this being the strict construction to be made in the preventive detention cases, this Court is of the considered opinion that the detenue is entitled for the relief. Personal liberty being hallmarked and a valuable fundamental right, its infringement has been viewed seriously by the constitutional Courts time and again. The delay in considering the representation caused prejudice to the detenue. Therefore, the said delay must be held in favour of the detenue.

4.Consequently, the impugned order of detention in proceedings No.446/BCDFGISSSV/2024, dated 02.05.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Rithik @ Rithik Kumar, S/o.Samant Singh, aged 21 years, now confined in Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

sli

08.08.2024

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



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

sli

To

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C-1 flower Police Station,
Chennai.
5. The Public Prosecutor,
High Court, Madras.

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