



WEB COPY



HCP.No.1429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM :

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

H.C.P.No.1429 of 2024

Jayalakshmi

... Petitioner

Vs.

1. The Secretary to the Government,
Home, Prohibition & Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
O/o. Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Special Prison for Women,
Trichy District.
4. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records connected with the detention order in BCDFGISSSV.No.462/2024 dated 07.05.2024 on the file



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of the respondent No.2 and quash the same and direct the respondents to produce the body and person of petitioner daughter one named Transgender Sreeba S/o. Nagarajan aged about 21 years now confined at Special Prison for Women, Puzhal before this Court and set him at liberty.

For Petitioner : Mr.P.Muthamizh Selvakumar

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

ORDER

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

The impugned order of detention has been passed based on one criminal case registered under the Prohibition Law.

2. The learned Counsel appearing on behalf of the petitioner would submit that in respect of Narcotic Drugs cases, no bail application has been filed on the file of the Principal Special Judge for Essential Commodities & Narcotic Drugs Psychotropic Substance Act Cases at Chennai. However, the bail application was filed in Crime No. 226 of 2024 on the file of Principal Sessions Judge, Chennai.

3. In the order of detention, it is projected as if the detainee filed bail application before the Narcotic Drugs Court. Thus, there is no



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application of mind on the part of the Detaining Authority. The ground on which the impugned order of detention has been passed is based on irrelevant consideration. Therefore, the petitioner is entitled to succeed.

4. The very reliance placed on by the Detaining Authority that the petitioner has filed the bail application before the Narcotic Drugs Court seems to be incorrect. Therefore, the very basis for detention is not supported with the relevant materials.

5. Accordingly, the impugned order of detention in proceedings No.462/BCDFGISSSV/2024 dated 07.05.2024 on the file of the 2nd respondent is quashed and the Habeas Corpus Petition stands **allowed**.

[S.M.S., J.]

[V.S.G., J.]

06.08.2024

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

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