



WEB COPY



HCP.No.1404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

CORAM :

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

H.C.P.No.1404 of 2024

S.Tamilarasi

... Petitioner

Vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort.St.George,
Chennai-600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police
Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai

4.The Inspector of Police,
F-2, Egmore Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No.598/BCDFGISSSV/2024, dated 29.05.2024 and quash the same as illegal and produce the detenue, namely SASIKUMAR @ PURA, S/o.Madurai aged



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30 years, DRUG OFFENDER now he is confined in Central Prison Puzhal II Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.Raja

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 2nd respondent in proceedings BCDFGISSSV No.598/2024, dated 29.05.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The 161 Cr.P.C statement obtained from Tamilarasi is undated. The said statement has been relied upon for the purpose of invoking Tamil Nadu Act 14 of 1982. The Detaining Authority formed an opinion that the relatives of the detainee have taken steps to file an application and there is a possibility of granting bail in favour of the detainee. That apart, the detainee in the present case is Sasikumar @ Pura, but in the Detention order, it has been erroneously stated as Saravanan as detainee. The grounds recorded by the Detaining Authority would reveal that the Sponsoring Authority has stated that he came to understand that Saravanan's relatives are taking steps. However, Saravanan is



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not a detainee and Sasikumar is the detainee in the present case. Thus, the

Detaining Authority has not applied his mind. Therefore, the 161 Cr.P.C statement recorded by Tamilarasi cannot be trusted.

3. More so, the Detaining Authority has erroneously stated the name of the detainee as Saravanan. The grounds stated by the Detaining Authority would be insufficient to invoke Tamil Nadu Act 14 of 1982.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings BCDFGISSSV No.598/2024, dated 29.05.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detainee viz., SASIKUMAR @ PURA, S/o.Madurai aged 30 years, DRUG OFFENDER now he is confined in Central Prison Puzhal II Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.]

[V.S.G., J.]

27.08.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

gd

S.M.SUBRAMANIAM, J.

AND

V.SIVAGNANAM, J.



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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Veppery, Chennai – 600 054.
- 3.The Inspector of Police,
N4 Fishing Harbour Police Station,
Chennai District.
- 4.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 5.The Joint Secretary to Government
Public (Law and Order),
Fort ST.George, Chennai – 9.
- 6.The Public Prosecutor,
Madras High Court.

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