



WEB COPY



HCPNo.1511 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

CORAM :

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

H.C.P.No.1511of 2024

C.Selvaraj

...

PETITIONER

Vs

- 1 State Of Tamilnadu
Rep By The Secretary,
Prohibition And Excise Department,
Fort St.George, Chennai-600 009.
- 2 The Commissioner Of Police
Greater Chennai Police,
Vepery, Chennai-600 007.
- 3 The Superintendent Of Prison,
Puzhal Central Prison,
Puzhal, Chennai.
- 4 The Inspector Of Police
CCB Team-1, Chennai-600 007. ...

RESPONDENTS

PRAYER: This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus calling for the records relating to the Detention Order Memo No.507/BCDFGISSSV/2024 dated 14.05.2024 passed by the 2nd respondent under Tamil Nadu Act 14 of 1982 and



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quash the same and direct the respondent to produce the detainee Sathish Selvaraj S/o.Selvaraj male aged about 34 years now confined in Central Prison, Puzhal before this Hon'ble court and set the detainee Sathish Selvaraj S/o.Sevaraj male aged about 34 years at liberty.

For Petitioner : Mr.S.Saranraj

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

ORDER

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

The order of detention passed by the 2nd respondent/The Commissioner of Police, Greater Chennai, Memo No.507/BCDFGISSSV/2024 dated 14.05.2024 is sought to be quashed by the petitioner/father of the detainee by filing the Writ of Habeas Corpus and to direct the respondent to produce the detainee Sathish Selvaraj S/o.Selvaraj male aged about 34 years now confined in Central Prison, Puzhal before this Hon'ble court and set the detainee Sathish Selvaraj S/o.Sevaraj male aged about 34 years at liberty.



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2.The learned Additional Public Prosecutor would oppose the petition by stating that 54 bogus salary certificates were produced, based on which, loans were sanctioned.

3.It is brought to the notice of this Court that the co-accused persons involved in the same offence filed HCP Nos.1292 of 2024 and 1369 of 2024 and those HCPs were allowed by this Court.

4.The nature of transaction is between the account holders and the alleged offences being committed by the detainee are related to certain individual bank transactions and loans were sanctioned. Based on artificial salary credits and financial history of the said salary account, 60 credit cards of Rs.38,22,000/- (Rupees Thirty Eight Lakhs and Twenty Two Thousand only) and 54 personal loans for Rs.3,19,51,400/- (Rupees Three Crores Nineteen Lakhs Fifty One Thousand and Four hundred only) were availed by 50 customers with fabricated salary slips specially issued by certain companies. Thus, all are individual related offences and therefore, the police authorities have to effectively conduct



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investigation and nab all the offenders, so as to recover the amounts misappropriated or illegally dealt with by the offenders. In respect of the nature of the allegations and the offence, in our opinion, it may not fall under the requirements to be adopted by invoking the Preventive Detention Act, i.e., Act 14 of 1982. There is no element of likelihood of causing breach of public order has been established. Any of such transactions, an individual's absence relating to bank transactions cannot be brought under Act 14 of 1982. Therefore, we are not inclined to approve the order of detention, which is impugned in the writ petition. Consequently, the impugned order Memo No.507/BCDFGISSSV/2024 dated 14.05.2024 passed by the 2nd respondent under Tamil Nadu Act 14 of 1982 is quashed. Accordingly, this petition is allowed.

[S.M.S., J.]

[V.S.G., J.]

16.08.2024

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



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