



HCP.No.1739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

CORAM :

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

H.C.P.No.1739 of 2024

Sathyakala

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PETITIONER

Vs

- 1 The State of Tamil Nadu represented
By Secretary To Government
Home, Prohibition And Excise Department,
Fort St.George, Chennai - 09.
- 2 The Commissioner of Police,
Greater Chennai.
- 3 The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4 The State rep by Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

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RESPONDENTS

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records of the 2nd respondent pertaining to the order made in Memo No.703/BCDFGISSSV/2024 dated 22.06.2024 in detaining the detenu under the Tamilnadu Act 14/1982 as a brand of Goonda and quash the same and direct the respondents to produce the detenu, the petitioner's son Ganeshraja @ Kare, son of Ebinezar, aged 24 years, who is detained at the Central Prison, Puzhal, Chennai before this Court and set him at liberty.



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For Petitioner : Mr.Karthick.S
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 second respondent, in Memo No.703/BCDFGISSSV/2024 dated 22.06.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The particulars in the arrest memo seems to be incorrect in view of the fact that the detenu was actually arrested on 12.06.2024. But, it is stated that the detenu was arrested on 16.02.2024. The detaining authority has relied on four adverse cases. The first adverse case was registered by the H-5, New Washermenpet Police Station, in crime No.475 of 2019 and the second case in Crime No.1051 of 2021. The above two cases have no proximity with the ground case. The ground case was registered under NDPS Act and perusal of the adverse cases and the ground case would reveal that detention of the detenu under the preventive detention law is unnecessary and those, offence may be dealt under the law of the land. Thus, we are inclined to interfere with.



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3. Accordingly, the impugned order of detention in Memo No.703/BCDFGISSSV/2024 dated 22.06.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Ganeshraja @ Kare, son of Ebinezar, aged 24 years, now confined at 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.]

28.08.2024

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

1. The State of Tamil Nadu represented
By Secretary To Government
Home, Prohibition And Excise Department,
Fort St.George, Chennai - 09.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.



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

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4. The State rep by Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai.

5.The Public Prosecutor,
Madras High Court.

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