



WEB COPY



HCP.No.1910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM :

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

H.C.P.No.1910 of 2024

Sneka

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Petitioner

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
3. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.
4. The Superintendent,
Central Prison, Vellore.
5. State Rep. by
The Inspector of Police,
Oragadam Police Station,
Kancheepuram.

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Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ



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of Habeas Corpus, call for the records in connection with the order of detention passed by the 2nd respondent dated 20.06.2024 in Rc.No.125/2024/M6 – D.O.No.28/2024 against the petitioner husband Mohammed Aswak, M/21 years, Son of Nagoor Miran, who is confined at Central Prison, Vellore and set aside the same and consequently direct the respondents to produce the detenue before the Court and set him at liberty.

For Petitioner : Mr. A.Saranraj
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 herein in Rc.No.125/2024/M6 – D.O.No.28/2024, dated 20.06.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The learned counsel for the petitioner would submit that the 161 statement given by the wife of the detenue is undated. That apart, the detenue was arrested on 10.05.2024 and the impugned order of detention has been issued on 20.06.2024 after a lapse of more than one month. Moreso, perusal of the ground case and adverse case would reveal that the same can be dealt with by the police authorities



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under the penal law. If at all bail has been granted, an application may be filed to cancel the bail or to impose stringent conditions enabling the prosecution to proceed with the trial in the manner contemplated. However, there is no convincing reasons for invoking Act 14 of 1982.

3. Accordingly, the impugned order of detention in Rc.No.125/2024/M6 – D.O.No.28/2024, dated 20.06.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Mohammed Aswak, M/21 years, Son of Nagoor Miran, now confined in Central Prison, Vellore, 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.]

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20.08.2024

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

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2 The District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
- 3 The Superintendent of Police,
Kancheepuram District,
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- 4 The Superintendent,
Central Prison,
Vellore.
5. State Rep. by
The Inspector of Police,
Oragadam Police Station,
Kancheepuram.
6. The Public Prosecutor,
High Court, Madras.

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