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H.C.P.No.1928 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2024

CORAM :

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

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Leelavathi .. Petitioner/
Mother of the detenu

Versus

1. The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 07.
3. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
4. Inspector of Police,
E-4, Abiramapuram Police Station,
Chennai. .. Respondents

Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Habeas Corpus, calling for



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records relating to the proceedings of the 2nd respondent in B.C.D.F.G.I.S.S.S.V.No.720 of 2024 dated 26.06.2024 against the petitioner's son Saran @ Psycho Saran, Male, aged about 21 years, S/o.Raj and quash the same and consequently, direct the respondents herein to produce the detenu who is detained under the Tamil Nadu Act 14 of 1982 currently confined the Central Prison, Puzhal before the Court and set him at liberty.

For Petitioner : Mr.P.Surendran

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

ORDER

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

The petitioner herein is the mother of the detenu viz., Saran @ Psycho Saran, S/o.Raj, aged 21 years, now confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.720/BCDFGISSSV/2024, dated 26.06.2024.

2. The ground case in the detention order impugned reveals that the criminal case in Crime No.145 of 2024 has been registered by E-4 Abiramapuram Police Station under Sections 341, 294(b), 333, 336, 392



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read with 397 and 506(ii) of I.P.C. The three adverse cases relied on are in Crime No.349 of 2020 under Sections 147, 148, 294(b), 341, 324, 302 and 120(b) of I.P.C by E-1 Mylapore Police Station, in Crime No.323 of 2022 under Sections 8(c) read with 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 and in Crime No.02 of 2024 by E-Mylapore Police Station under Sections 341, 294(b), 324, 307, 506(ii) of I.P.C. The adverse cases have no close proximity with the ground which is relied on for the purpose of the impugned detention order. The subjective satisfaction of the detaining authority is of paramount importance in view of the fact that the preventive detention laws are to be pressed into service only if the detaining authority formed an opinion that there is a likelihood of causing breach of public order.

3. The mere registration of criminal cases would be insufficient to invoke Tamil Nadu Act 14 of 1982. There must be concrete material to arrive at a conclusion regarding the apprehension of the detaining authority that the detenu may commit breach of public order. In the present case, the adverse cases relied on have no close proximity. The ground case is an individual criminal case which may not constitute a reason to believe that



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there is no likelihood of causing breach of public order. Courts have repeatedly held that subjective satisfaction of the detaining authority to be arrived considering the nature of offences and the manner, in which, such offences are committed and the public order involved. The preventive detention law cannot be pressed into service for the purpose of convicting certain persons who are involved in criminal case. Even in such individual cases, if there is a likelihood of grant of bail, it is left open to the Police authorities to file an application to revoke the bail or in alternate, to impose stringent conditions so as to ensure that such accused persons do not involve in any other offences. Surveillance by the Police closely would be of greater assistance for prevention of crimes. Police authorities have to form certain methods for conducting surveillance of these nature of offenders instead they cannot casually invoke preventive detention law with an idea to convict the accused persons who are involved in some criminal cases.

4. In the present case, the reasons arrived by the detaining authority are not convincing for the purpose of invoking Tamil Nadu Act 14 of 1982.



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5. Accordingly, the detention order passed by the second respondent in No.720/BCDFGISSSV/2024, dated 26.06.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Saran @ Psycho Saran, S/o.Raj, aged 21 years, now confined at Central Prison, Puzhal, Chennai, is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J]

[V.S.G., J]

22.08.2024

Index : yes
Speaking order
Neutral Citation : yes/no
grs

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 07.
3. The Superintendent,
Central Prison, Puzhal,
Chennai - 600 066.
4. The Inspector of Police,



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E-4, Abiramapuram Police Station,
Chennai.

5. The Public Prosecutor,
High Court of Madras.



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

grs

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