



HCP.No.2033 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.No.2033 of 2024

Subashini

... Petitioner/Wife of the
detenue

Vs.

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
3. The Superintendent of Police,
Cuddalore,
Cuddalore District.
4. The Superintendent of Prison,
Central Prison – Cuddalore,
Cuddalore District.
5. State Rep. by
The Inspector of Police,
PEW- Panruti,
Tiruvallur District.

... Respondents



HCP.No.2033 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 29.07.2024 on the file of the second respondent herein made in proceedings Memo C3/D.O./64/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely RANJITH, S/o. Selvam, aged 28 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Cuddalore.

For Petitioner : Mr.R. Sasikumar
For Respondents : Mr. E. Raj Thilak
Additional Public Prosecutor

ORDER

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

The preventive detention order passed by the second respondent dated 29.07.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.



HCP.No.2033 of 2024

3. The detention order has been passed based on the ground case registered in Crime No.1307/2024 under Section 4(1)(a), 4(1-A) of Tamil Nadu Prohibition Act, 1937.

4. Four adverse cases are relied on. Out of which, the first case was registered in the year 2018, the second case in the year 2019, the third case in the year 2020 and the fourth case in the year 2021. The first three relied on cases have no proximity with the ground case on account of efflux of time. Pertinently, the detaining Authority relied on the bail order passed in Cr.M.P.No.7370/2022 dated 24.11.2022 on the file of the Principal District and Sessions Judge, Cuddalore. The said case was registered under Section 4(1) (aaa) and 4(1-A) of the Tamil Nadu Prohibition Act, 1937. Thus, it is dissimilar and would result in non-application of mind.

5. For the aforesaid reasons,, the detention order passed by the second respondent in proceedings C3/D.O./64/2024 dated 29.07.2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Ranjith, aged 28 years, S/o. Selvam confined at Central Prison, Cuddalore is



HCP.No.2033 of 2024

directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.] [N.M., J.]
18.09.2024

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



HCP.No.2033 of 2024

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
4. The Superintendent of Police,
Cuddalore,
Cuddalore District.
5. The Superintendent of Prison,
Central Prison – Cuddalore,
Cuddalore District.
6. State Rep. by
The Inspector of Police,
PEW- Panruti,
Tiruvallur District.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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HCP.No.2033 of 2024

S.M.SUBRAMANIAM, J.
AND
N.MALA., J.

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H.C.P.No.2033 of 2024

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