



WEB COPY



HCP.No.2092 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.2092 of 2024

K.Ramya

... Petitioner/Detenue's wife

Vs.

1. The Secretary to Government,
Home Prohibition & Excise Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Corporation,
Vepery, Chennai.
3. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
P-5, M.K.B Nagar Police Station,
Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, call for the records pertaining to the order of detention passed by the second respondent in his proceedings in No. 722/BCDFGISSSV/2024 dated 26.06.2024 and quash the same as illegal and produce the detainee, namely Karthikeyan, S/o. Kesavan aged 25 years, GOONDA now he is confined in Central Prison, Puzhal, Chennai before this Court and set at liberty.

For Petitioner : Mr.C.Raja
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 26.06.2024 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.

3. The learned Additional Public Prosecutor would submit that the similar case relied on by the detaining Authority is dissimilar. In the similar



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case, bail was granted where the accused therein was facing criminal case registered under Section 307 of IPC. However, in the case of detenu, there is no case registered under Section 307 of IPC, but criminal case was registered under Sections 324 and 506 (ii) of IPC. Therefore, the detaining Authority has not applied his mind while passing the order of detention.

4. For the aforesaid reasons, the detention order passed by the second respondent in proceedings No.722/BCDFGISSSV/2024 dated 26.06.2024 is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz., Karthikeyan S/o. Kesavan, aged 25 years 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.] [N.M., J.]
18.09.2024

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



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To

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1. The Secretary to Government,
Home Prohibition & 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 Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Corporation,
Vepery, Chennai.
4. The Superintendent of Police,
Central Prison,
Puzhal, Chennai.
5. The Inspector of Police,
P-5, M.K.B Nagar Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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