



WEB COPY



H.C.P.No.2051 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2024

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.SIVAGNANAM

H.C.P.No.2051 of 2024

Mrs.R.Sowkandhika .. Petitioner

v.

1. The State of Tamil Nadu
rep.by its Secretary to Government
Prohibition and Excise Department
Fort St.George, Chennai 600 009

2. The Commissioner of Police
Greater Chennai
Chennai District

3. The Superintendent
Central Prison, Puzhal
Chennai 600 066

4. The Inspector of Police
Law and Order
H-8, Thiruvottiyur Police Station
Chennai 600 019

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Habeas Corpus, calling for the records in detention order passed in No.789/BCDFGISSSV/2024 dated 23.07.2024 passed by the 2nd respondent herein and quash the same and direct the respondents herein to produce the body of the detenu namely Thiru.Shiyam @ Samuvel, Male, aged 25, S/o Ruban, No.764/14, Saraswathi Nagar, 9th Street, Thiruvotriyur, Chennai 600 019, who is now confined in the Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.R.Dinesh Kumar

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 2nd respondent in proceedings No.789/BCDFGISSSV/2024 dated 23.07.2024 is sought to be quashed in the present habeas corpus petition.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The order of detention sought to be assailed and the facts as narrated would reveal that the order of detention has been passed based on



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the ground case alone and there is no adverse case against the detenu.

Though the alleged offence has been committed nearby bus stand in respect of the ground case, we are of the opinion that the said case can be proceeded with in accordance with law under the law of the land. The preventive detention may not be required in such cases and thus, we are inclined to interfere with the detention order.

4. In the light of the above, the detention order passed by the second respondent in No.789/BCDFGISSSV/2024 dated 23.07.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Thiru.Shiyam @ Samuvel, S/o Ruban, aged 25 years, who is presently undergoing detention in the Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless he is required in connection with any other case.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.)

(V.S.G.,J.)

13.09.2024

SS



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To

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5. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

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