



WEB COPY



HCP.No.2071 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

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

H.C.P.No.2071 of 2024

Muthammal

... Petitioner

Vs.

1. The State Rep by its,
Government of Tamil Nadu,
Rep by its, The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai District.
4. The Inspector of Police,
J-1 Saidapet Police Station,
Chennai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in detention order passed in BCDFGISSSV No.524/2024 dated 17.05.2024 on the file of the second respondent herein and quash the same and direct the respondents herein to produce the body of the petitioner's son Thiru.Sasikumar, M/A 23 years, now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty.



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For Petitioner : Mr.D.Padmanabhan
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 in BCDFGISSSV No.524/2024, dated 17.05.2024, is sought to be quashed in the present Habeas Corpus Petition.

2.The adverse case relied on by the detaining authority are concerned, two criminal cases in Crime Nos.627 & 686 of 2021 were registered in the year 2021. Other two adverse cases were registered in the year 2020. One adverse case was registered by J-1 Saidapet Police Station, in Crime No.132 of 2024. As far as the ground case is concerned, the alleged occurrence happened on 12.04.2024 at 11.30 hours and the Police authorities seized cash of Rs.260/- and a knife. The said case is capable of being dealt with under the law of the land. There is no material available on record to arrive at a conclusion that there is likelihood of causing breach of public order. Even the narration of ground case in the impugned detention order would be insufficient for the purpose of invoking Act 14 of 1982. That apart, the fifth adverse cases and the ground case are registered by J-1



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Saidapet Police Station. The adverse case was registered in Crime No.132 of 2024 on 11.04.2024 at about 14.00 hours. The ground case was registered on 12.04.2024 at 11.30 hours in the forenoon. The narration of the facts in the fifth adverse case and the ground case itself raises suspicion.

3.Considering the facts and circumstances, we are inclined to interfere with the impugned detention order. Thus, the impugned order of detention in BCDFGISSSV No.524/2024, dated 17.05.2024, is quashed and the Habeas Corpus Petition stands **allowed**. The detenue, namely, Thiru.Sasikumar, S/o.Dhanasekar, Male, aged about 23 years, who is confined at Central Prison, Puzhal, Chennai, 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.]
09.09.2024

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

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



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5. The Public Prosecutor,
High Court, Madras.

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