



HCP.No.2160 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MRS. JUSTICE N.MALA

H.C.P.No.2160 of 2024

Sharmila

... Petitioner/Wife of
the Detenue

Vs.

1. The State of Tamil Nadu,
Represented by its Additional Chief
Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
4. The Inspector of Police,
M3-Puzhal 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, to call for the records pertaining to the order of detention passed in No.714/BCDFGISSV/2024 dated 25.06.2024 passed by the 2nd respondent and set aside the same and direct the respondents to produce the petitioner's son by namely Thiru.Eswaran, son of Natarajan, male, aged about 48 years before this Court now confined in Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner	: Mr.D.Saravanan
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 25.06.2024 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. Two adverse cases, the first case in the year 2022 and another in the year 2024 are registered under Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.



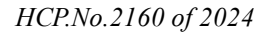
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4. The detention order has been passed relying on two adverse cases and the ground case. We have gone through the nature of the cases and of the opinion that it is insufficient to form an opinion that there is likelihood of causing breach of public order. Except two adverse cases, no other cases are pending against the detenu. Considering the nature of the case, which is the basis for passing the order of detention, we are inclined to consider the present habeas corpus petition.

5. Accordingly, the detention order passed by the second respondent in proceedings No.714/BCDFGISSSV/2024 dated 25.06.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Eswaran, aged 48 years, S/o. Natarajan 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.]
23.09.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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AND
N.MALA, J.

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