



H.C.P.No.2437 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM :

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

H.C.P.No.2437 of 2024

R.Pavithra
W/o Rajeshkumar .. Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009

2. The Commissioner of Police
Avadi City
Office of the Commissioner of Police
(Goondas Section), Tiruvallur

3. The Inspector of Police
E-3, Minjur Police Station
Tiruvallur District

4. The Superintendent of Prison
Central Prison, Puzhal
Chennai

.. Respondents

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



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for issuance of a Writ of Habeas Corpus, to call for the records in connection with the order of detention passed by the second respondent dated 12.06.2024 in B.C.D.F.G.I.S.S.S.V No.74/2024 against the petitioner's husband Rajeshkumar @ Bomb Rajesh, Son of Sureshbabu, aged about 27 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Hon'ble Court and set him at liberty.

For Petitioner :: Mr.M.Muthuramalingam

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.74/BCDFGISSSV/2024 dated 12.06.2024 is sought to be quashed in the present habeas corpus petition.

2. Though several grounds are raised in the petition, the learned counsel for the petitioner would submit that the 161 statement obtained from the wife of the detenu is not dated. Hence, the learned counsel for the petitioner submitted that the subjective satisfaction arrived at by the detaining authority based on a document which is not dated, would vitiate



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the detention order.

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3. When the 161 statement obtained from the wife of the detenu is not dated, the veracity of the same becomes doubtful. The compelling necessity to detain the detenu would also depend on when the sponsoring authority has sent his report. In the absence of such report, the compelling necessity to pass the detention order becomes suspect. In view of the aforesaid facts, we are inclined to interfere with the detention order.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in proceedings No.74/BCDFGISSSV/2024 dated 12.06.2024 is quashed and the habeas corpus petition is allowed. The detenu viz., Rajeshkumar @ Bomb Rajesh, aged 28 years, S/o Sureshababu, who is confined at 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
SS

(S.M.S.,J.) (V.S.G.,J.)
17.10.2024



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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.

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