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H.C.P.No.2451 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM :

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

H.C.P.No.2451 of 2024

Sakthi

W/o Panjamurthy

.. Petitioner

v.

1. State of Tamil Nadu rep.by
The Additional Chief Secretary
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009

2. The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007

3. The Inspector of Police
K-8 Arumbakkam Police Station
Chennai

4. The Superintendent of Prison
Central Prison-II, Puzhal
Chennai 600 066

.. Respondents

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



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for issuance of a Writ of Habeas Corpus, calling for the records relating to the detention order in Memo No.652/BCDFGISSSV/2024 dated 10.06.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son Thiru.Vicky @ Crime Vicky, S/o Panjamurthy, aged about 25 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's son Thiru.Vicky @ Crime Vicky, S/o Panjamurthy, aged about 25 years, the detenu herein at liberty.

For Petitioner :: Mr.R.Muthukumar

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The petitioner herein, who is the mother of the detenu, viz., Vicky @ Crime Vicky, S/o Panjamurthy, aged 25 years, now confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in No.652/BCDFGISSSV/2024 dated 10.06.2024.

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



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3. The detenu was arrested on 28.05.2024. He is in preventive detention for about five months. One adverse case registered in Crime No.199 of 2024 under Section 392 IPC is relied on for the purpose of issuing the detention order. The ground case has been registered in Crime NO.201 of 2024 under Sections 341, 294(b), 336, 397 and 506(ii) IPC. The relied on case and the ground case can be dealt with under the law of the land. The learned Additional Public Prosecutor raised an objection that the detenu is involved in eight previous cases. The details of the eight cases would reveal that two cases were registered in the year 2019, one case in the year 2020, one case in the year 2021, one case in the year 2022 and three cases in the year 2024. The other previous cases have no close proximity with the ground case. That apart, the cases registered under IPC can be dealt with by the police authorities under the law of the land. The subjective satisfaction of the detaining authority is of paramount importance for the purpose of invoking the preventive detention law. Mere registration of criminal case would be insufficient and in the present case, we find that all the cases registered under IPC can be dealt with under the relevant penal laws and in the event of securing bail, the police authorities may file a



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petition to cancel or to impose stringent conditions. Contrarily, in order to punish the accused involved in criminal cases, preventive detention law need not be invoked in a routine manner. Thus, we are inclined to interfere with the detention order.

4. Accordingly, the detention order passed by the second respondent in No.652/BCDFGISSSV/2024 dated 10.06.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Vicky @ Crime Vicky, S/o Panjamurthy, aged 25 years, now 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.

Index : yes

(S.M.S.,J.)

(V.S.G.,J.)

Neutral citation : yes/no

25.10.2024

SS

To

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



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2. The Commissioner of Police
Greater Chennai
Vepery, Chennai 600 007

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5. The Public Prosecutor
High Court, Madras



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