



WEB COPY



H.C.P.No.2498 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

CORAM :

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

H.C.P.No.2498 of 2024

Mr.Sridhar @ Julisesar
W/o Ekkatlukak

.. Petitioner

v.

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

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

3. The Superintendent of Prison
Central Prison-II, Puzhal, Chennai

4. The Inspector of Police
G 1, Vepery Police Station, Chennai .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Habeas Corpus, calling for the records of the second respondent herein pertaining to the detention order made in



H.C.P.No.2498 of 2024

No.189/BCDFGISSSV/2024 and set aside the preventive detention order passed on 14.03.2024 and quash the same and direct the respondents to produce the body of the detenu namely Mr.Karthi @ Andrew Anthony, Son of Sridhar @ Julisesar (Father's name shown as Sridhar in detention order) aged about 24 years, now detained in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the detenu at liberty forthwith.

For Petitioner :: Mr.J.Samiullah

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 father of the detenu, viz., Karthi @ Andrew Anthony, S/o Sridhar @ Julisesar, aged 24 years, now confined at Central Prison, Puzhal, Chennai, has come forward with this petition challenging the detention order passed by the second respondent in Memo No.189/BCDFGISSSV/2024 dated 14.03.2024.

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

3. Three adverse cases are relied on by the detaining authority to



H.C.P.No.2498 of 2024

issue the impugned order against the detenu. The first adverse case was registered under the Narcotic Drugs and Psychotropic Substances Act in the year 2022, which has no close proximity with the ground case. The other two cases are relating to IPC offences which can be tried under the regular penal law. The detenu had been arrested on 28.02.2024 and is in actual imprisonment for about eight months. Considering the longevity of the preventive detention undergone by the detenu, we are inclined to consider the present petition.

4. Accordingly, the detention order passed by the second respondent in Memo No.189/BCDFGISSSV/2024 dated 14.03.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Karthi @ Andrew Anthony, S/o Sridhar @ Julisesar, aged 24 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

Neutral citation : yes/no

(S.M.S.,J.)

(V.S.G.,J.)

28.10.2024

SS



H.C.P.No.2498 of 2024

To

WEB COPY

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009
2. The Commissioner of Police
Greater Chennai Police
Vepery, Chennai
3. The Superintendent of Prison
Central Prison-II, Puzhal
Chennai
4. The Inspector of Police
G 1, Vepery Police Station, Chennai
5. The Public Prosecutor
High Court, Madras



WEB COPY



H.C.P.No.2498 of 2024

S.M.SUBRAMANIAM,J.

AND

V.SIVAGNANAM,J.

SS

H.C.P.No.2498 of 2024

28.10.2024