



WEB COPY



HCP.No.2549 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

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

H.C.P.No.2549 of 2024

Kanimozhi

... Petitioner/wife of the detenu

Vs

1. The State of Tamil Nadu,
rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
3. The Superintendent of Prison,
Central Prison-2,
Puzhal, Chennai 600 066.
4. The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai- 600 107

... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Habeas Corpus to Call for the entire records from the 2nd respondent in



HCP.No.2549 of 2024

connection with Memo No.894/BCDFGISSSV/2024,dated 29.08.2024 and quash the same and produce the petitioner's husband, namely, Vignesh @ Mada Vikki S/o. Sekar, aged 25 years, now confined in Central Prison-2, Puzhal, Chennai under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr. P. Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The order of detention passed by the Commissioner of Police, Greater Chennai, in No.894/BCDFGISSSV/2024, dated 29.08.2024 is sought to be quashed in the present Habeas Corpus Petition.

2. The detaining authority relied on two adverse cases and the ground case. Those BNS offences can be dealt with under the law of the land.

3. Perusal of the case details would reveal that invocation of preventive detention is excess and the reasons arrived for issuing the impugned order would be insufficient.

4. Hence, for the aforesaid reason, the detention order passed by the second respondent in No.894/BCDFGISSSV/2024,dated 29.08.2024 is quashed and the



HCP.No.2549 of 2024

Habeas Corpus Petition is allowed. The detenu, viz., Vignesh @ Mada Vikki S/o.

Sekar, aged 25 years, now confined at Central Prison-2, Puzhal, Chennai, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

[S.M.S., J.] [V.S.G., J.]
29.10.2024

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

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
3. The Superintendent of Prison,
Central Prison-2,
Puzhal, Chennai 600 066.
4. The Inspector of Police,
K-10 Koyambedu Police Station,
Chennai- 600 107
5. The Public Prosecutor,
High Court, Madras.

S.M.SUBRAMANIAM, J.



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HCP.No.2549 of 2024

AND
V.SIVAGNANAM, J.

mrp

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