



WEB COPY



H.C.P.No.2622 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.2622 of 2024

M.Anandan

S/o Mari

..

Petitioner

v.

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

2. The Commissioner of Police
Greater Chennai

3. The Superintendent of Prison
Central Prison, Cuddalore

4. The Inspector of Police
M-3 Puzhal Police Station
Greater Chennai

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Respondents

Petition filed under Article 226 of the Constitution of India, praying
for issuance of a Writ of Habeas Corpus, to call for the records in connection



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with the order of detention passed by the second respondent dated 24.09.2024 in No.991/BCDFGISSSV/2024 against the petitioner's son Viji @ Vijayakumar, Male, aged 34 years, S/o Anandan, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenu before the Hon'ble Court and set him at liberty.

For Petitioner :: Mr.P.Raman

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 second respondent in proceedings No.991/BCDFGISSSV/2024 dated 24.09.2024 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. The impugned detention order has been issued relying upon one adverse case and the ground case. The adverse case was registered by M-3



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Puzhal Police Station in Crime No.857 of 2022 under Section 392 IPC. The ground case was registered in Crime No.627 of 2024 under the Narcotic Drugs Psychotropic Substances Act. The learned Additional Public Prosecutor would submit that 13 previous cases are pending against the detenu.

4. We have gone through the details of the pending cases, which are all very old cases registered from the years 2010 to 2018. Therefore, those cases can be dealt with under the regular penal law. It is further brought to the notice of this Court that investigation in the ground case also has been completed. That being so, there is no need to keep the detenu under the preventive detention law. All the criminal cases registered can be dealt with under the law of the land. Therefore, we are inclined to consider the present petition.

5. Accordingly, the detention order passed by the second respondent in proceedings No.991/BCDFGISSSV/2024 dated 24.09.2024 is hereby set aside and the habeas corpus petition is allowed. The detenu viz., Viji @



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Vijayakumar, S/o Anandan, aged 34 years, now confined at Central Prison, Cuddalore is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

Index : yes/no

(S.M.S.,J.)

(M.J.R.,J.)

Neutral citation : yes/no

18.11.2024

ss

To

1. The 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, Cuddalore
4. The Inspector of Police
M-3 Puzhal Police Station
Chennai
5. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

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