



WEB COPY



HCP.No.2726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2726 of 2024

Rajakumari

... Petitioner

Vs.

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

2.District Collector & District Magistrate,
Cuddalore District, Cuddalore.

3.The Superintendent of Police,
Cuddalore District, Cuddalore.

4.The Superintendent of Prison,
Central Prison, Cuddalore – 4.

5.The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in connection with the order of Detention passed by the second respondent dated 03.10.2024 in C3/D.O.No.79/2024 against the petitioner Son Nandhakumar, Male



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aged 26 years S/o.Kanagavel, who is confined at Central Prison, Cuddalore and set aside the same and direct the respondents to produce the detenue before the Court and set him at Liberty.

For Petitioner : Mr.P.Raman

For Respondents : Mr.R.Muniyapparaj
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 C3/D.O.No.79/2024, dated 03.10.2024 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.Learned Additional Public Prosecutor would submit that the detenue has involved in 4 NDPS cases.

4.However, those cases are registered in the year 2020 and 2021. Therefore, there is no proximity with the ground case, which is registered in the year 2024. The ground case has been registered under NDPS Act.



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5.Preventive detention law being a draconian, should be applied sparingly and in a case where there is a likelihood of causing public disorder. Mere registration of criminal case would be insufficient to invoke preventive detention law. Preventive detention law being a draconian, should be applied sparingly and in a case where there is a likelihood of causing public disorder. Mere registration of criminal case would be insufficient to invoke preventive detention law. The criminal case registered against a person can be dealt with law of the land.

6.Accordingly, the detention order passed by the second respondent in TPDA:6337 Memo No.963/BCDFGISSSV/2024 dated 16.09.2024, is hereby set aside and the Habeas Corpus Petition is allowed. The detenu viz. Sanjay, son of Murali, who is detained in Central Prison, Puzhal is directed to be set at liberty forthwith, unless his confinement is required in connection with any other case.

[S.M.S., J.]

[M.J.R., J.]

02.12.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

- 1.The Secretary to the Government,
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Secretariat, Chennai – 600 009.
- 2.District Collector & District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore – 4.
- 5.The Inspector of Police,
Pudupettai Police Station,
Cuddalore District.
- 5.The Joint Secretary to Government
Public (Law and Order),
Fort ST.George, Chennai – 9.
- 6.The Public Prosecutor,
Madras High Court.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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