



HCP.No.2740 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

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

H.C.P.No.2740 of 2024

- | | | | |
|---|--|-----|-------------|
| 1 | Palaniyammal | ... | PETITIONER |
| | | Vs | |
| 1 | The State Of Tamil Nadu,
Rep.By Its The Secretary To Government (home)
Prohibition And Excise Department
Secretariat, Fort St.george, Chennai - 600009. | | |
| 2 | The Commissioner Of Police
Salem, Salem District. | | |
| 3 | The Superintendent Of Prison,
Central Prison, Salem District. | | |
| 4 | The Inspector Of Police
Steel Plant Police Station,
Salem District. | | |
| | | ... | RESPONDENTS |

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records pertaining to the order of detention passed in CMP.No.76/Goonda/Salem City/2024 dated 07.10.2024 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's son by namely Selvaraj son of Thangaraj aged about 26 yrs before this Honble Court now confined in Central Prison, Salem and set him at Liberty.



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For Petitioner : Mr.C.Deepakkumar
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of detention passed by the second respondent in CMP.No.76/Goonda/Salem City/2024 dated 07.10.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.The detention order impugned has been issued based on the ground case alone. The ground case was registered in Crime No.277 of 2024 under Section 123 of Bharathiya Nyaya Sanhita, 2023. Section 123 deals with causing hurt by means of poison etc., with intent to commit an offence. since there is no adverse case registered against the detinue and taking note of the fact that the ground case can be dealt with under the law of the land, preventive detention any more would be unnecessary in the present case.

3.Hence, for the aforesaid reason, the detention order passed by the



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second respondent in CMP.No.76/Goonda/Salem City/2024 dated

07.10.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., Selvaraj son of Thangaraj aged about 26 yrs, now confined at Central Prison, Salem, is directed to be set at liberty forthwith, unless he is required in connection with any other case.

Index	:	Yes/No	[S.M.S., J.]	[M.J.R., J.]
Speaking Order	:	Yes/No	03.12.2024	
Neutral Citation	:	Yes/No		

sms

To

- 1 The State Of Tamil Nadu,
Rep.By Its The Secretary To Government (home)
Prohibition And Excise Department
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- 5 The Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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