



WEB COPY



HCP.No.2857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2024

CORAM :

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

H.C.P.No.2857 of 2024

Swetha

... Petitioner/wife of the
detenu

Vs.

1. The State represented by its,
Government of Tamil Nadu,
represented by its The Additional
Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, calling for the records in detention order passed in No.637/BCDFGISSSV/2024 dated 06.06.2024 on the file of the 2nd respondent herein and quash the same and direct the respondents herein to produce the person or body of the petitioner's husband Karthick Raj @ Kosu, S/o. Tamilarasu, M/A 24 years now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner	: Mr.D.Padmanabhan
For Respondents	: Mr.R.Muniyapparaj Additional Public Prosecutor

ORDER

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

The preventive detention order passed by the second respondent dated 06.06.2024 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.



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3. The impugned detention order has been issued relying on five adverse cases registered under Section 392 of IPC, 457, 380 r/w 34 of IPC and 379 of IPC. The ground case was registered in Crime No.107 of 2024 under Section 457, 380 of IPC.

4. The detenu was arrested on 23.05.2024 and under preventive detention for about 6 months. The cases registered can be dealt with by the Police Authorities under the regular Penal law.

5. Considering the length of preventive detention undergone by the detenu and taking note of the fact that adverse cases can be dealt with under the law of the land, we are inclined to consider the present habeas corpus petition.

6. Accordingly, the detention order passed by the 2nd respondent, in proceedings No.637/BCDFGISSSV/2024 dated 06.06.2024, is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Karthikraj @ Kosu, aged 24 years, S/o. Tamilarasu confined at Central Prison, Puzhal,



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Chennai is directed to be set at liberty forthwith unless he is required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
26.11.2024

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



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To

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1. The Additional Chief Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police,
C-1, Flower Bazaar Police Station,
Chennai District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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

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