



WEB COPY



HCP.No.2919 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

CORAM :

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

H.C.P.No.2919 of 2024

K.Gomathi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison - 2,
Puzhal, Chennai - 600 066.
4. The Inspector of Police (L&O),
D-3, Ice House Police Station,
Chennai - 600 005.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records from the 2nd respondent in connection with Memo No.68/BCDFGISSSV/2024 dated 31.01.2024 and quash the same and produce the petitioner's son namely Murali @ Boxer Murali, S/o. Krishnan, aged 27 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.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 31.01.2024 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. There is no adverse case relied on by the Detaining Authority. Based on the ground case, the impugned order of detention has been passed. The ground case has been registered by D-3, Ice House Police Station in Crime No.19/2024 under Section 302 of Indian Penal Code. The said case can be dealt with by the Police Authorities under the regular Penal Laws.

4. Pertinently, the detenu is in actual imprisonment for more than 10 months under the preventive detention law.

5. Considering the longevity of the preventive detention and taking note of the fact that the detention order was passed based on the solitary case, which can be dealt with under the law of the land, we are inclined to consider the present habeas corpus petition.

6. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings Memo No.68/BCDFGISSSV/2024 dated 31.01.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Murali @ Boxer Murali, S/o. Krishnan, aged 27 years,



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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.] [M.J.R., J.]
22.11.2024

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

1. The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
4. The Superintendent of Prison,
Central Prison - 2,
Puzhal, Chennai - 600 066.
5. The Inspector of Police (L&O),
D-3, Ice House Police Station,
Chennai - 600 005.



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6. The Public Prosecutor,
Madras High Court,
Chennai - 104.

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AND
M.JOTHIRAMAN, J.

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