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H.C.P.No.3005 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

H.C.P.No.3005 of 2024

Lavanya

... Petitioner

Vs.

1.The State rep. by
The Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4.The Inspector of Police,
K-8, Arumbakkam Police Station,
Chennai.

... Respondents



H.C.P.No.3005 of 2024

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Prayer: Habeas Corpus Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus, calling for the records of the 2nd respondent in connection with order made No.1051/BCDFGISSSV/2024 dated 15.10.2024 passed against the petitioner's husband Suresh aged 39 years S/o. Gunasekaran, who is confined at Central Prison, Puzhal, Chennai - 66 and quash the same and direct the respondents to produce the detenu before this Court set him at liberty.

For Petitioner : Mr.S.Seenuvasan

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 Memo No.1051/BCDFGISSSV/2024 dated 15.10.2024 is sought to be quashed in the present Habeas Corpus Petition.



H.C.P.No.3005 of 2024

2. Heard the learned counsel for the petitioner, as well as the learned Additional Public Prosecutor appearing for the respondents.

3. The Additional Public Prosecutor appearing on behalf of the petitioner would submit that co-accused in the ground case has already been revealed by the Advisory Board.

4. The fact that the co-accused in the ground case has already been released by the Advisory Board assumes significant relevance in the present context. The release of the co-accused suggests that the Advisory Board did not find sufficient grounds to justify the detention. In such circumstances, the petitioner, who is similarly situated, should also be afforded the same consideration. Therefore, in light of the co-accused's release, we are inclined to consider the petition.

5. Accordingly, the detention order passed by the 2nd respondent Memo No.1051/BCDFGISSSV/2024, dated 15.10.2024, is hereby set aside and the Habeas Corpus Petition is allowed.



H.C.P.No.3005 of 2024

6. The detenu viz. Suresh, S/o.Gunasekaran, aged 39 years, currently confined at Central Prison, Puzhal, Chennai, 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.]
12.12.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

To

1.The Additional Chief Secretary to the Government,
The State,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

2.Commissioner of Police,
Office of Commissioner of Police,
Greater Chennai Police,
Chennai – 600 007.

3.The Superintendent of Prison,
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H.C.P.No.3005 of 2024

5.The Additional Public Prosecutor,
Madras High Court.



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and
M.JOTHIRAMAN, J.

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H.C.P.No.3005 of 2024

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