



WEB COPY



HCP.No.16 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.16 of 2025

Sathiyakala

... Petitioner/Wife of the
Detenu

Vs.

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police/
Detaining Authority,
Tiruppur City,
Tiruppur District.
3. The Superintendent of Prison,
Central Prison - Coimbatore,
Coimbatore District.
4. State represented by its
The Inspector of Police,
South Police Station,
Tiruppur,
Tiruppur District.

... Respondents



HCP.No.16 of 2025

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the entire records, relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 09.12.2024 on the file of the second respondent herein made in proceedings C.No.96/G/IS/Tiruppur City/2024, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband Sarathy, S/o. Annadurai, aged 38 years before this Court and set the petitioner's husband at liberty from detention now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr. R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by the Hon'ble *S.M.Subramaniam, J.*)

The preventive detention order passed by the second respondent in proceedings C.No.96/G/IS/Tiruppur City/2024 dated 09.12.2024 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. One adverse case relied on was registered in Crime No.234 of 2021 under Section 392, 397 of IPC read altered into under Section 364 (A), 394 r/w 397 of IPC along with the ground case for issuing the impugned



HCP.No.16 of 2025

detention order. The said case was registered in the year 2021 and has no proximity with the ground case, which was registered on 07.11.2024 in Crime No.868 of 2024 under Section 140(3) of Bharatiya Nyaya Sanhita, 2023.

4. Perusal of the facts of the ground case would be sufficient to form an opinion that the said case can be dealt with by the Police Authorities under the ordinary law. Mere involvement in a criminal case cannot be a ground to invoke preventive detention law. Subjective satisfaction of the detaining Authority with reference to the records available are of paramount importance. The adverse case has no proximity with the ground case and can be dealt with by the Police Authorities under the law of the land. That being the factum, the preventive detention in the present case is unnecessary.

5. Accordingly, the detention order passed by the 2nd respondent, in proceedings C.No.96/G/IS/Tiruppur City/2024 dated 09.12.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Sarathy, aged 38 years, S/o. Annadurai confined at Central Prison,

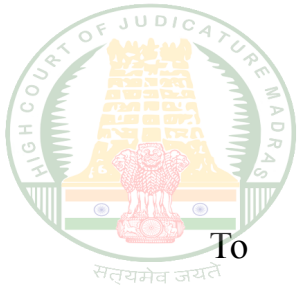


HCP.No.16 of 2025

Coimbatore 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.]
28.01.2025

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



HCP.No.16 of 2025

To

WEB COPY

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Joint Secretary to Government,
Public (Law and Order) Department,
Fort St.George, Chennai - 9.
3. The Commissioner of Police/
Detaining Authority,
Tiruppur City,
Tiruppur District.
4. The Superintendent of Prison,
Central Prison - Coimbatore,
Coimbatore District.
5. The Inspector of Police,
South Police Station,
Tiruppur,
Tiruppur District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



WEB COPY



HCP.No.16 of 2025

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

veda

H.C.P.No.16 of 2025

28.01.2025