



HCP.No.61 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.61 of 2025

Kajalakshmi

... Petitioner/Wife of the
Detenu

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition & Excise (XVI) Department,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
4. The Inspector of Police,
R-6, Kumaran Nagar 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 entire records connected with the detention order in BCDFGISSSV No.1234/2024 dated 12.12.2024 on the file of the 2nd respondent and quash the same and direct the respondents to produce the person of the petitioner's husband one named Ilaiyaraja @ Ilaiya S/o. Arokkiyasamy, aged about 38 years, now confined at Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.P.Muthamizhselvakumar

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 BCDFGISSSV No.1234 of 2024 dated 12.12.2024 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.



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3. Two adverse cases are relied on along with the ground case for invoking Act 14 of 1982. Two adverse cases registered in the year 2023 have no proximity. Pertinently, both the cases are under investigation for the past about one and a half years. The ground case reveals that the detenu allegedly snatched away a sum of Rs.1,500/- from the cash bod in a tea shop and threatened the defacto complainant.

4. This court is of the considered opinion that such nature of cases can be dealt with by the Authorities under the ordinary law and the chargesheet is to be filed without causing any undue delay. Pertinently, two adverse cases relied on registered in the year 2023 and the investigations are yet to be completed. This raises a serious doubt in the mind of the Court. Therefore, we are inclined to consider the present habeas corpus petition.

5. Accordingly, the detention order passed by the 2nd respondent, in proceedings BCDFGISSSV No.1234 of 2024 dated 12.12.2024 is hereby set aside and the Habeas Corpus Petition is **allowed**. The detenu viz., Ilaiyaraja @ Ilaiya, S/o. Arokkiyasamy, aged 38 years confined at

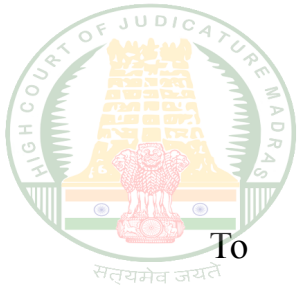


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Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith
unless he is required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
28.01.2025

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 to Government,
Home, Prohibition & Excise (XVI) 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.
4. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai District.
5. The Inspector of Police,
R-6, Kumaran Nagar Police Station,
Chennai District.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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M.JOTHIRAMAN, J.

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