



WEB COPY



HCP.No.2728 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2728 of 2024

R.Ramesh

... Petitioner/Friend of the detenu

Vs.

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

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai – 600 007.

3.The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.

4.The Inspector of Police,
F-1, Chindatripet Police Station,
Chennai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, or any other appropriate writ order or direction in the nature of writ, calling for the records relating to the detention order in Memo No.632/BCDFGISSSV/2024, DATED 06.06.2024 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's friend VINOTH KUMAR, S/O.CHINNA SEKAR aged about 34 years the detenue, now confined in Central Prison, Cuddalore before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.D.Gopikrishnan
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 second respondent in No.632/BCDFGISSSV/2024 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 two adverse cases registered in Crime No.20/2023 under Sections 147, 148, 341, 294(b), 323, 397, 336, 427, 506 (ii) r/w 34 I.P.C and Crime No.138/2024 under Sections 341, 294 (b), 384, 506 (ii) I.P.C. The ground case was registered in Crime No.92/2024 under Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS Act')

4. The learned Additional Public Prosecutor appearing on behalf of the respondents would submit that the detenu has involved in 16 previous cases. Details produced on behalf of the respondents would reveal that all those cases were registered in the year 2010, 2011, 2012, 2013 and 2014. The adverse cases are registered in 2023 and 2024. The ground case is registered under NDPS Act.

5. Therefore, we are of the opinion that those cases can be dealt with by the Police authorities under relevant Penal law for the purpose of prosecuting the detenu. However, Preventive Detention in this case is unnecessary. Therefore, we are inclined to interfere.



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6. Accordingly, the impugned order of detention passed by the second respondent in No.632/BCDFGISSSV/2024, dated 06.06.2024 is quashed and the Habeas Corpus Petition stands **allowed**. The detainee, namely, Vinothkumar, S/o.Chinnasekar, aged about 34 years, now confined in Central Prison, Cuddalore, is directed to be set at liberty forthwith unless he is otherwise required in connection with any other case.

[S.M.S., J.] [M.J.R., J.]
02.01.2025

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

1. The Additional Chief Secretary
to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai – 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai – 600 007.
3. The Superintendent of Prison,
Central Prison, Cuddalore,
Cuddalore District.



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4.The Inspector of Police,
F-1, Chindatripet Police Station,
Chennai.

5.The Additional Public Prosecutor,
Madras High Court.



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

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