



WEB COPY



HCP.No.3126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2025

CORAM :

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

H.C.P.No.3126 of 2024

C.Rathna

... Petitioner

VS.

1.The State of Tamil Nadu

Rep. By its Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.

2.The District Magistrate and District Collector,
Office of District Collector,
Namakkal District.

3.The Superintendent of Police,
Namakkal,
Namakkal District.

4.The Superintendent of Central Prison,
Central Prison,
Salem District.

5.The Inspector of Police,
PEW - Tiruchengode,
Namakkal District.

... Respondents



HCP.No.3126 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to produce the body of the detenue by name David @ Pradeep, Son of petitioner herein aged 30 years, presently confined at Central Prison, Salem, before this Court and set him at liberty forthwith, after calling for the records pertaining to the detention order dated 15.11.2024 in Cr.M.P.No.69/DRUG OFFENDER/2024 M1 passed by the second respondent and quash the same.

For Petitioner : Mr.Bharanidharan

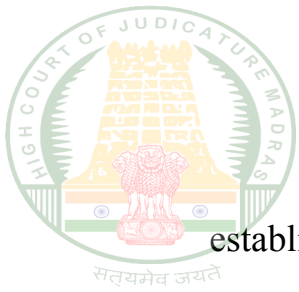
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order of detention passed by the 2nd respondent in proceedings Cr.M.P.No.69/DRUG OFFENDER/2024 M1, dated 15.11.2024 is sought to be quashed in the present Habeas Corpus Petition.

2.Based on the ground case, the impugned detention order has been passed. The ground case has been registered in Crime No.551 of 2024 under NDPS Act. The learned Additional Public Prosecutor would not able to



HCP.No.3126 of 2024

establish any adverse case against the petitioner except the ground case. The ground case, in our opinion, can be dealt with by the Police authorities under law of the land.

3.In view of the facts and circumstances, we do not find any compelling reasons for invoking Act 14 of 1982 and consequently, we are inclined to consider the present petition.

4.Hence, for the aforesaid reason, the detention order passed by the second respondent in Cr.M.P.No.69/DRUG OFFENDER/2024 M1 dated 15.11.2024 is quashed and the Habeas Corpus Petition is allowed. The detenu, viz., David @ Pradeep S/o.Chinnasamy, aged 30 years, confined at Central Prison, Salem, 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.]
06.01.2025

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
cse



HCP.No.3126 of 2024

WEB COPY

1. The Secretary to Government,
Home Prohibition and Excise Department,
Fort St. George, Chennai – 600 009.
2. The District Magistrate and District Collector,
Office of District Collector,
Namakkal District.
3. The Superintendent of Police,
Namakkal,
Namakkal District.
4. The Superintendent of Central Prison,
Central Prison,
Salem District.
5. The Inspector of Police,
PEW - Tiruchengode,
Namakkal District.
6. The Public Prosecutor,
Madras High Court.



WEB COPY



HCP.No.3126 of 2024

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

cse

H.C.P.No.3126 of 2024

06.01.2025