



HCP.No.2 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

H.C.P.No.2 of 2025

Malliga

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner of Police,
Tambaram City.
3. The Superintendent of Prison,
Central Prison, Vellore.
4. The Inspector of Police,
Manimangalam Police Station,
Chennai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Habeas Corpus, to call for the records of the detention order *vide* BCDFGISSSV No.71/2024 dated 23.05.2024 on the file of the second respondent and quash the same and produce the petitioner's son Balaji, S/o.



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Velmurugan, aged 28 years, confined at Central Prison, Vellore before this Court and set him at liberty.

For Petitioner	: Mr.T.Arul
For Respondents	: Mr.R.Muniyapparaj
	Additional Public Prosecutor

ORDER

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

The writ of habeas corpus has been filed challenging the detention order passed by the second respondent in proceedings BCDFGISSSV No.71/2024 dated 23.05.2024.

2. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing on behalf of the respondents.

3. Three adverse cases along with the ground case were taken into consideration by the detaining Authority for invoking Act 14 of 1982. Two adverse cases registered in the year 2022 have no close proximity with the ground case. The ground case was registered on 06.05.2024 and the detenu was arrested on 07.05.2024 and in actual imprisonment under preventive



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detention law for about eight months. Therefore, keeping the detenu under preventive detention law any more would be unnecessary.

4. The learned Additional Public Prosecutor appearing on behalf of the respondents would submit that the charge sheet has already been filed in the ground case.

5. Therefore, the Police Authorities may request the trial Court for speedy disposal of the case.

6. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings BCDFGISSSV No.71/2024 dated 23.05.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Balaji, aged 28 years, S/o. Velmurugan confined at Central Prison, Vellore 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.]
20.01.2025

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



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To

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1. The Secretary,
Home, Prohibition and Excise Department,
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,
Tambaram City.
4. The Superintendent of Prison,
Central Prison, Vellore.
5. The Inspector of Police,
Manimangalam Police Station,
Chennai.
6. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
M.JOTHIRAMAN, J.

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