



WEB COPY



HCP.No.3300 of 2024

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.3300 of 2024

Chellammal

... Petitioner/Mother of the
Detenu

Vs.

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The District Collector and
District Magistrate,
Chengalpattu District,
Chengalpattu.
3. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
4. The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.



HCP.No.3300 of 2024

WEB COPY

5. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.

... Respondents

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 order of the 2nd respondent herein in CPT No.21/2024 dated 27.11.2024 passed against the petitioner's son the detenu namely Dineshkumar @ Dinesh after amended Dineshkumar @ Kuzhandhi Dinesh son of Balaraman aged about 28 years as a "Drug Offender" who is confined at Central Prison, Puzhal, Chennai - 600 066 and set aside the same, consequently, direct the respondents herein to produce the detenu before this Court and set him at liberty forthwith.

For Petitioner	: M/s.A.Murugavel
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 CPT No.21/2024 dated 27.11.2024.

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



HCP.No.3300 of 2024

3. One adverse case has been relied on registered in Crime No.708 of 2021. The adverse case has no proximity with the ground case, which is registered after a lapse of three years. The ground case is also registered under NDPS Act. The quantity of drugs recovered from the detenu cannot be construed as commercial quantity. Therefore, the said criminal case registered can be dealt with by the Authorities under the Ordinary Law by following the procedures as contemplated.

4. Hence, for the aforesaid reasons, the detention order passed by the second respondent in proceedings CPT No.21/2024 dated 27.11.2024 is quashed and the Habeas Corpus Petition is **allowed**. The detenu, viz., Dineshkumar @ Kuzhandhai Dinesh, aged 28 years, S/o. Balaraman confined at Central Prison, Puzhal, Chennai - 600 066 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



HCP.No.3300 of 2024

To

WEB COPY

1. The Secretary to the Government,
Government of Tamil Nadu,
(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 District Collector and
District Magistrate,
Chengalpattu District,
Chengalpattu.
4. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
5. The Inspector of Police,
Chengalpattu Taluk Police Station,
Chengalpattu District.
6. The Superintendent of Prison,
Central Prison,
Puzhal,
Chennai - 600 066.
7. The Public Prosecutor,
Madras High Court,
Chennai - 104.



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AND
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