

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.6.2016

CORAM

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.113 of 2016

Udhayakumar

... Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Police,
Chennai Police,
Vepery, Chennai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS calling for the records in connection with the order of detention passed by the 2nd respondent dated 06.01.2016 in BCDFGISSSV No.2/2016 against the brother of the petitioner Karthik @ Suruttai Karthik, M/A, 26, son of Nagarajan, who is confined at Central Prison, Puzhal, Chennai and to set aside the same and consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.K.S.Kaviarasu

For Respondents : Mr.A.N.Thambidurai,
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the brother of the detenu, Karthik @ Suruttai Karthik, who has been detained under Act 14 of 1982 as per the order of the first respondent by his proceedings in Memo No.02/BCDFGISSSV/2015 dated 06.01.2016. Challenging the said detention order, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the

petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though, several grounds have been raised in this Habeas Corpus Petition, the learned counsel appearing for the petitioner, would mainly focus his argument on the ground that a copy of the remand order dated 18.12.2015 has not been furnished to the detenu. In our considered view, failure to furnish the said copy, as rightly contended by the learned counsel has deprived the detenu from making any effective representation. In the light of the above fact, we have no hesitation in quashing the order of detention.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 06.01.2016, passed by the second respondent is set aside. The detenu is directed to be released, forthwith, unless, his presence is required in connection with any other case.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

kua

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Police,
Chennai Police, Vepery, Chennai.

3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

4. The Joint Secretary to Government,
Public (Law and Order), Fort St. George, Chennai.

5. The Public Prosecutor, High Court, Madras.

H.C.P.No.113 of 2016

mp co

kra 23.07.2016