

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.05.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE R. SUBRAMANIAN

H.C.P.No.195 of 2017

D.Chathirathal
W/o.Desappan

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The District Magistrate and
the District Collector,
Tiruvallur,
Tiruvallur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, to produce the body of the detenu namely (Arul S/o.Desappan) before this Court and set his at liberty forthwith, by calling for the records pertaining to the detention order in B.C.D.F.G.I.S.S.S.V.No.09/2017 dated 22.01.2017 passed by the second respondent, quash the same.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.E.Raja,

Addl. Public Prosecutor

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O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the mother of the detenu seeking to quash the detention order dated 22.01.2017 passed by the second respondent, on two grounds.

2. The first is with respect to the reference made in the detention order to the effect that the arrest memo was signed by the aunt of the detenu viz., lakshmi as witness. The second is with respect to the illegible copies given to the detenu with reference to the statement of the witnesses.

3. We have perused the records.

4. Insofar as the first ground is concerned, the arrest memo was signed by one A.Rajesh, stated to be the uncle of the detenu and therefore, the detention order is factually in correct in this aspect. On the second contention raised, even we are unable to read the statement of the witnesses produced as available in page Nos.118 to 122.

5. In such view of the matter, we are inclined to set aside the detention order dated 22.01.2017 passed by the second respondent.

6. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 22.01.2017, passed by the second respondent, is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

-s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

vsm

To

1.The Secretary,
Government of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George,
Chennai - 9.

2.The District Magistrate and
the District Collector,
Tiruvallur,
Tiruvallur District.

3. The Superintendent Central Prison II
Puzhal Chennai-66

4.The Joint Secretary to Government
Public Law and Order Fort St.George Chennai-9

5.The Public Prosecutor,
Madras High Court, Chennai.

+1 cc to Mr.A.Thiyagarajan Advocate sr 37576

H.C.P.No.195 of 2017

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