

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and

THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

H.C.P.No.98/2017

Kanagaraj

... Petitioner

Vs

1. The State rep. by the Commissioner of
Police, Greater Chennai, Egmore,
Chennai-8.

2. The Secretary to Government (Home)
Prohibition and Excise Department,
Fort St.George
Chennai 600 009.

... Respondents

Prayer: Petition filed under Article 226 of the
Constitution of India, praying to issue a WRIT OF HABEAS
CORPUS, directing the respondents to produce the body of the
petitioner Kanagaraj, male, aged 42, son of Linga Nadar,
presently detained at Central Prison, Puzhal, Chennai before
this Court, call for the records of detention order passed by
the 1st respondent vide Memo BCDFGISSV No.1213/2016 dated
16.12.2016, set aside the same and set the detenu Kanagaraj at
liberty.

For Petitioner : Mr.Senthil Kumar
for M/s.T.Gnana Banu

For Respondents : Mr.E.Raja,
Additional Public Prosecutor

ORDER

[Order of the Court was made by R.SUBRAMANIAN,J]

The petitioner has been detained by the 1st respondent under
the provisions of the Tamil Nadu Act 14 of 1982 branding him as

a ''Goonda'' by an impugned Detention Order dated 16.12.2016. Challenging the same, the petitioner is before this Court with this Habeas Corpus Petition.

2. We have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and we have also perused the records carefully.

3. Though several grounds have been raised in this petition, the learned Counsel for the petitioner would submit that many pages in the booklet furnished to the petitioner, especially, the copy of the F.I.R., are not readable and also produced the booklet before us. On a perusal of the same, we find that the submissions of the learned Counsel for the petitioner are correct.

4. The learned Additional Public Prosecutor is also not in a position to dispute the same.

5. Hence, the Habeas Corpus Petition is allowed and the impugned detention order dated 16.12.2016 passed by the 1st respondent is quashed. The detenu is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

tsi

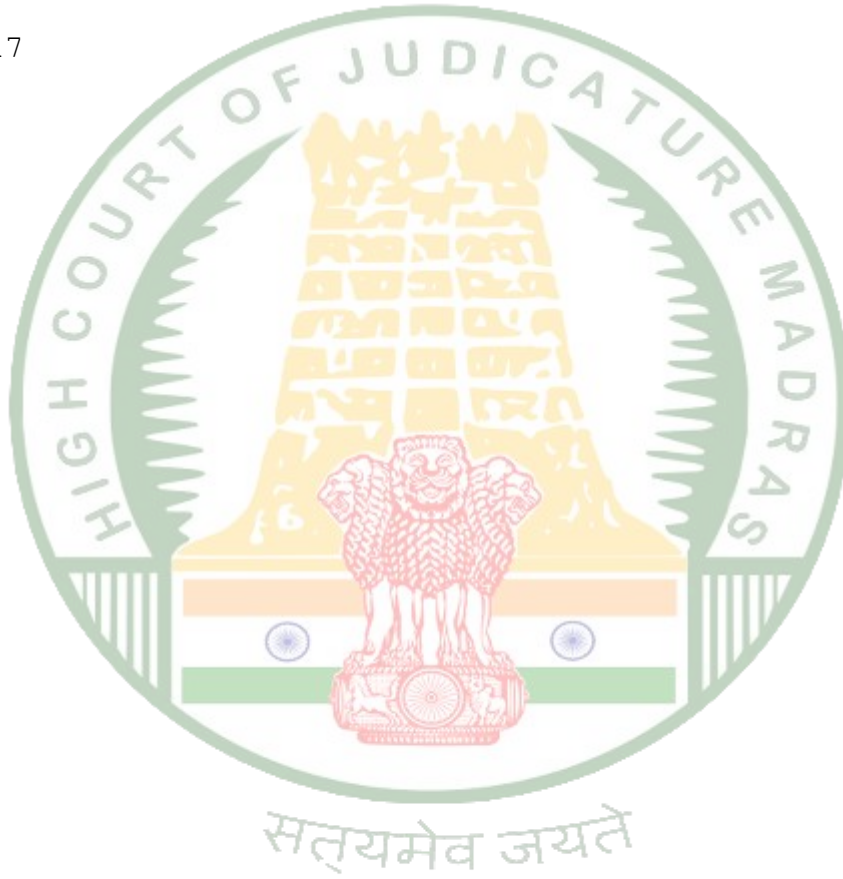
To

1. The Commissioner of Police,
Greater Chennai, Egmore,
Chennai-8.
2. The Secretary to Government (Home)
Prohibition and Excise Department,
Fort St.George
Chennai 600 009.

3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Government
(Law & Order) department,
Fort Saint George, Chennai-9
5. The Additional Public Prosecutor,
High Court, Madras.

H.C.P.No.98/2017

KS(CO)
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