

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.2055 of 2016

C.Thamizharasi
W/o.Chinnappan

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The District Collector and District Magistrate,
Krishnagiri District.
Krishnagiri.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling upon the production of the records relating to the detention order dated 18.08.2016 made in detention order in S.C.No.17/2016 passed by the second respondent herein quash the same and direct the respondents to produce the body of the detenu Thiru.Kalaivanan S/o.Chinnappan, aged 28 years, who has been detained in Central Prison at Salem before this Court and set him at liberty.

For Petitioner : Mr.R.Murugabharathi

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 seeks to quash the detention order dated 18.08.2016, passed by the second respondent.

2. The learned counsel for the petitioner raised two issues, viz., the issue pertaining to the bail application leading to non-application of mind in passing the detention order and non-furnishing the copies of the documents relied upon in the language known to the petitioner-Tamil. Admittedly, this Court in HCP Nos.1980, 1982, 1983, 1984, 1985 and 1986 of 2016, has already quashed the detention order in favour of the co-accused, against whom also the same detention order has been passed.

3.The said factum is not disputed by the learned Additional Public Prosecutor.

4. In such view of the matter, we are inclined to set aside the detention order dated 18.08.2016, passed by the second respondent, as it involves the same issue.

5. Accordingly, the Habeas Corpus Petition is allowed and the detention order dated 18.08.2016, 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(CSVIII)

True Copy

Sub-Assistant Registrar

vsm

To

- 1.The Secretary to Government
Home Prohibition and Excise department
Fort St.Geroge Chennai-9
- 2.The District Collector and District Magistrate,
Krishnagiri District.
Krishnagiri.
3. The Superintendent Central Prison Salem
4. The Joint Secretary to Government
Public Law and Order Fort St George, Chennai-9
- 5.The Public Prosecutor,
Madras High Court, Chennai.

H.C.P.No.2055 of 2016

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