

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.05.2017

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

HCP No.2646/2016

D.Selvi

Petitioner

Vs

1. The Government of Tamil Nadu, rep by its
Secretary, Home, Prohibition
And Excise (XVI) Department
Fort St, George,
Chennai-600 009.

2. The Commissioner of Police Greater Chennai
Office of Commissioner of Police
Chennai.

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of Habeas Corpus calling for the records in detention order Memo.1134/BCDFGISSSV/2016 Dated 03.11.2016 on the file of the 2nd Respondent and quash the same and direct the Respondents herein to produce the body of my son Mammutiyan @ Raji @ Rajkumar, aged about 30 years, the detenu now confined in Central Prison, Puzhal before this Court.

For Petitioner : Mr.J.Samiullah

For Respondents : Mr.E.Raja

Addl. Public Prosecutor

ORDER

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

The petitioner is the wife of the Detenu seeking to challenge the Detention Order, dated 03.11.2016.

2 The learned counsel for petitioner would submit that the copies of the documents furnished to the Detenu with reference to Page Nos.257,327,337,339 and 425 are not legible.

The copies of the aforesaid documents are also produced before this Court.

3 We have perused the above said pages. We find, especially with reference to Page No.327, the document furnished is not legible, capable of being read. In such view of the matter, we are of the view that the Detention Order is liable to be quashed.

4 Accordingly, the Habeas Corpus Petition is allowed and the Detention Order, dated 03.11.2016 passed by the 2nd respondent hereby set aside and the detenue is directed to be released forthwith unless his presence is required in connection with other cases.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

AP
To

1. The Secretary, Home, Prohibition And Excise (XVI) Department
Fort St, George,
Chennai-600 009.
2. The Commissioner of Police Greater Chennai
Office of Commissioner of Police
Chennai.
3. The Superintendent, Central Prison, Puzhal, Chennai 66
4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

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KJI (CO)
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