

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1787 of 2018

S.Angappan

S/o.T.Sadaiyandi

... Petitioner

-vs-

1. State of Tamil Nadu
represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.

2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a Writ of Habeas Corpus calling for the records in Memo No.796/BCDFGISSSV/2017 passed by the second respondent dated 28.12.2017, set aside the same and direct the respondents to produce the detainee Poonkuzhali @ Ponni W/o.Appu @ Narendran, aged about 37 years, presently confined at Central Prison, Women Special Cell, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.R.Paarthiban
for Mr.A.Elumalai

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The order of the Court was made by C.T.SELVAM, J)

Petitioner is the father-in-law of the detainee Poonkuzhali @ Ponni W/o.Appu @ Narendran, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under order of

the second respondent passed in No.796/BCDFGISSSV/2017 dated 28.12.2017.

2. The detenu came to adverse notice in the following cases:

Sl.No.	Police Station and Crime No.	Offences u/s.
1.	G1 Vepery Police Station, Crime No.1178/2017	379 IPC
2.	S15 Selaiyur Police Station, Crime No.1736/2017	379 IPC

The alleged ground case has been registered against the detenu in Crime No.1189 of 2017 on the file of G1 Vepery Police Station for offences under Sections 341, 294(b), 323, 336, 392, 397 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Learned counsel for petitioner submits that the constitutional requirement of communicating the arrest of accused to his relatives has not been followed in the present case, which would vitiate the order of detention.

4. Heard learned Additional Public Prosecutor on the above submissions.

5. Finding force in the submission of learned counsel for petitioner, this Court holds that the order under challenge would have to fall.

Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order passed by the second respondent, detaining the detenu Poonkuzhali @ Ponni W/o.Appu @ Narendran in No.796/BCDFGISSSV/2017 dated 28.12.2017 is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

3.The Superintendent of Police,
Special Prison for Women,
Puzhal, Chennai.

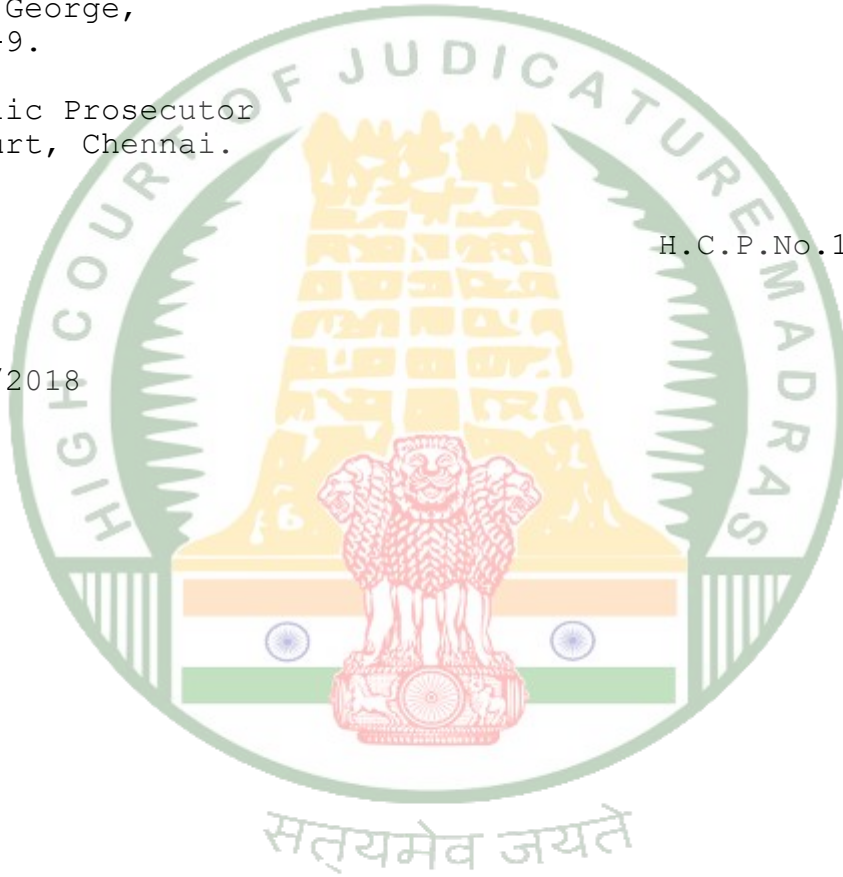
4.The Joint Secretary to Government,
Public (Law and order),
Fort St.George,
Chennai-9.

5.The Public Prosecutor
High Court, Chennai.

H.C.P.No.1787 of 2018

VD(CO)

rrs 05/10/2018



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