

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.NO.329 OF 2018

Selvarani

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Petitioner

Vs

1. State of Tamil Nadu
rep.by its Secretary to Government
Home Prohibition and Excise Department
Secretariat, Chennai.
2. District Magistrate and District Collector
Thiruvallur District, Thiruvallur.
3. Inspector of Police, NIB CID Unit
Kanchipuram.

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Respondents

For Petitioner : Mr.R.Karthik

For Respondents: Mr.R.Prathap Kumar,
Addl.Public Prosecutor

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the order of detention BCDFGISSSV No.01/2018 dated 10.01.2018 passed by the second respondent and to quash the same and also to direct the detenu Lakshmi W/o Palaniswamy aged 45 years, who is presently detained in the Central Prison, Special Prison for Women, Puzhal, Chennai to be produced before this Hon'ble Court and set her at liberty.

O R D E R

(Order made by Dr.S.VIMALA, J.)

Petitioner herein is the sister of the detenu Lakshmi W/o Palaniswamy aged 45 years, who is presently detained in the Central Prison, Special Prison for Women, Puzhal, Chennai. She has challenged the impugned detention order BCDFGISSSV No.01/2018 dated 10.01.2018 passed by the second respondent on two grounds viz., copies furnished to the detenu is illegible and the arrest intimation was not received by the sister of the detenu.

2. Heard Mr.Rajendran, learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. Though it is the claimed by the prosecution that the arrest intimation has been sent to the cell phone number, the prosecution side is not clear whether the intimation was through a call or it was by way of a text message. It is disputed by the learned counsel for the petitioner that no arrest intimation was given.

2. Considering the facts and circumstances of the case, we feel that the detention order is liable to be quashed. The habeas corpus petition is allowed. The detinue Lakshmi W/o Palaniswamy aged 45 years is ordered to be set at liberty forthwith, unless her custody is otherwise required in any other case.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KST

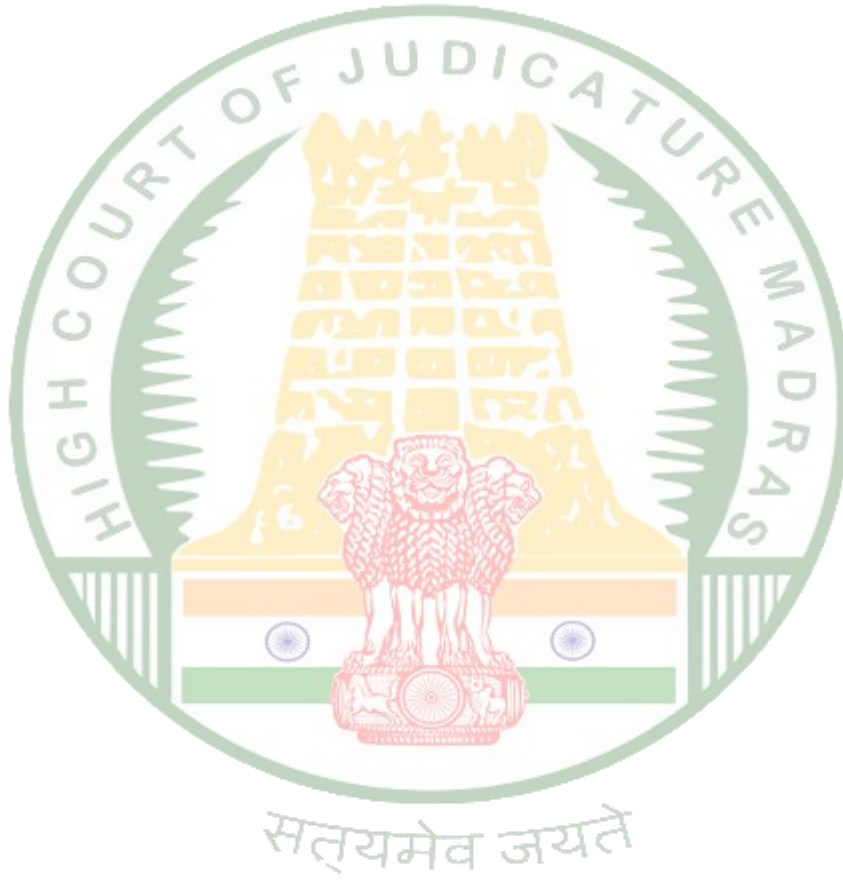
To

1. State of Tamil Nadu
rep.by its Secretary to Government Home,
Prohibition and Excise Department
Secretariat, Chennai.
2. District Magistrate and District Collector
Thiruvallur District, Thiruvallur.
3. Inspector of Police, NIB CID Unit
Kanchipuram.
- 4.The Joint Secretary to Government,
Public (Law & order),
Fort Saint George, Chennai-9
- 5.The Superintendent,
Special Prison for Women,
Puzhal, Chennai.

6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.329 of 2018

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nr 12/09/2018



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