

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.07.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA
AND
THE HONOURABLE MRS. JUSTICE S.RAMATHILAGAM

H.C.P. NO. 459 OF 2018

P.Rajendran

.. Petitioner

- Vs -

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai - 600 009.
 2. The Commissioner of Police
Greater Chennai Police
O/o The Commissioner of Police (Goondas Section)
Vepery, Chennai - 600 007.
 3. The Superintendent of Prison
Central Prison, Puzhal, Chennai.
- .. Respondents

Petition filed for the issuance of a writ of habeas corpus calling for the records relating to the impugned order in No.49/BCDFGISSSSV/2018 dated 02.02.2018 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the detenu Om Prasath @ Kottankuchi aged about 27 years who is now confined at Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr. N.Ganesha Murthy

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

ORDER

(ORDER OF THE COURT WAS MADE BY DR. S.VIMALA, J.)

The order of detention No.49/BCDFGISSSSV/2018 dated 02.02.2018 on the file of the second respondent herein is under challenge in this petition on the ground that arrest intimation is not proper.

2. Challenging the order of detention, the petitioner has come forward with the present habeas corpus petition.

3. Heard Mr.N.Ganeshamurthy, learned counsel appearing for the petitioner and Mr.R.Prathap Kumar, learned Addl. Public Prosecutor appearing for the respondents.

4. It is the contention of the learned counsel for the petitioner that the arrest intimation is stated to have been given to one Vinod Kumar. But, the detenu has no relative in the name of Vinod Kumar. In support of his contention, learned counsel for the petitioner has produced the prescribed form where the names of relatives viz., names of the mother and the sister of the detenu have been mentioned, and not the name of one Vinod Kumar, as stated in the detention order.

5. On this short ground, the order of detention is quashed. The habeas corpus petition is allowed. The detenu, Om Prasath @ Kottankuchi aged about 27 years, is ordered to be set at liberty forthwith, unless his custody is otherwise required in any other case.

Sd/-

Assistant Registrar(CS ix)

//True Copy//

Sub Assistant Registrar

KST To

1. The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai - 600 009.
2. The Commissioner of Police
Greater Chennai Police
O/o The Commissioner of Police (Goondas Section)
Vepery, Chennai - 600 007.
3. The Superintendent of Prison
Central Prison, Puzhal, Chennai.
4. The Joint secretary Government public (Law and Order)
Fort St. George Chennai 09.
5. The public Prosecutor,
High Court, Madras 9.

+1cc to M/s.M.Rajeswari , Advocate SR.No. 51142

H.C.P. NO. 459 OF 2018

EV(CO)

ASK(11/09/2018)

WEB COPY