

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.921 of 2018

Subbulakshmi

W/o.Shanmugaiya

... Petitioner

vs.

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 27.04.2018 in Memo No.272/BCDFGISSSV/2018 against the son of the petitioner Vellapparaja, male aged 22 years, S/o.Shanmugaiya, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

For Respondents: Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

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

Petitioner is the mother of the detenu Vellapparaja S/o.Shanmugaiya, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo.No.272/BCDFGISSSV/2018 dated 27.04.2018. Such order is under challenge herein.

2. The detenu came to adverse notice in Crime No.1291 of 2017 on the file of T-4 Maduravoyal Police Station for offences u/s.392 IPC @ 120(b), 397 IPC. The alleged ground case has been registered against the detenu in Crime No.334 of 2018 on the file of T-4 Maduravoyal Police Station for offences u/s.341, 294(b), 323, 397, 336, 427 and 506(ii) IPC.

3. We have heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner would mainly focus his argument on the ground that the arrest of the detenu has been intimated through 'cellphone', which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. In the light of the fact that proper procedure has not been followed in intimating the arrest of the detenu, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Vellapparaja S/o. Shanmugaiya, in Memo.No.272/BCDFGISSSV/2018 dated 27.04.2018 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(CS IX)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai.

3.The Public Prosecutor,
High Court, Madras.

4.The Superintendent,
Central Prison,
Puzhal, Chennai.

5.The Joint Secretary to Government
Public (Law & Order)
Fort St. George, Chennai -9.

sm:5.10.2018