

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2018

CORAM:

THE HONOURABLE Mr. JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

H.C.P.No.2652 of 2016

V.Lakshmi

... Petitioner/Mother of the deteneue

-Vs-

- 1.The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Home (Prison IV) Department,
Secretariat, Chennai-600 009.
- 2.The Inspector General of Prisons,
Office of the Inspector General of Prisons,
Chennai-600 008.
- 3.The Superintendent,
Central Prison,
Coimbatore-641 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, calling for the records of 1st respondent in connection with G.O.(2D) No.485 dated 03.12.2009 and quash the same and produce the petitioners son Sasikumar, S/o.Vadivel aged about 42 years who is now detained in Central Prison, Coimbatore before this Honourable Court and set him at liberty.

For Petitioner : Mr.P.Saravanan
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner, who is the mother of the detenu viz., Sasikumar, Son of Vadivel, aged 42 years, sought production of her son.

2. Heard learned counsel for petitioner as also learned Additional Public Prosecutor for respondents.

3. The detenu, who had been granted relief of premature release under order in G.O.Ms.No.1155, Home (PRI.IV) Department, dated 11.09.2008 had been taken into custody on the allegation that he had violated the bond executed by him at the time of his release, which came to be executed as a condition of release. The detenu was charged for having committed offence under Section 75(1)(b) of The Tamil Nadu City Police Act. The detenu has been acquitted under judgment dated 11.05.2011 passed by learned Judicial Magistrate-II, Coimbatore in C.C.No.1002 of 2009. The effect of such acquittal that the charge of his having committed an offence under Section 75(1) (b) of Tamil Nadu City Police Act in violation of the bond executed at the time of premature release in G.O.(2D) No.485, Home (PRISON-IV) Department, dated 03.12.2009. The order in G.O.(2D) No.485, Home (PRISON-IV) Department, dated 03.12.2009, which has been passed on the assessment that the detenu committed offence under Section 75(1) (b) of Tamil Nadu City Police Act cannot be hold good.

4. Accordingly, the Habeas Corpus Petition is allowed and the order of first respondent in G.O.(2D) No.485, Home (Prison-IV) Department dated 03.12.2009 is set aside. The detenu, namely, Sasikumar, son of Vadivel, aged 42 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

kmi

To:

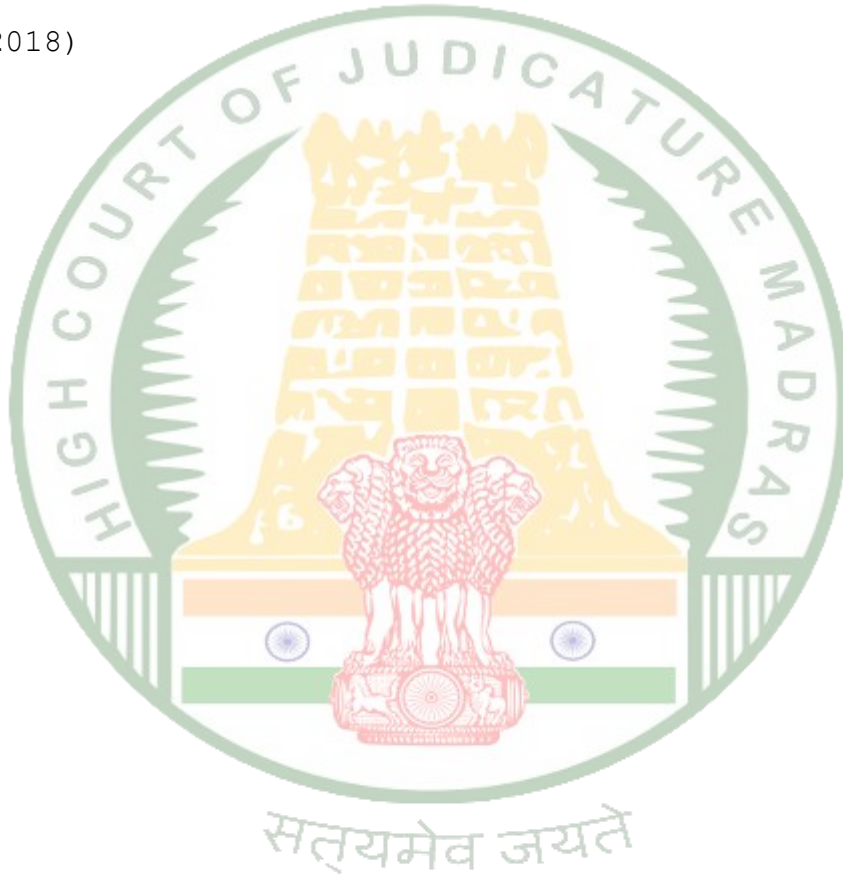
- 1.The Secretary to the Government,
Home (Prison IV) Department,
Secretariat, Chennai-600 009.
- 2.The Inspector General of Prisons,
Office of the Inspector General of Prisons,
Chennai-600 008.
3. The Joint Secretary to Government
Public(Law and order)
Fort. St. George
Chennai 9.

4.The Superintendent,
Central Prison,
Coimbatore-641 018.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2652 of 2016

NRI (CO)
SP(10/10/2018)



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