

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2163 of 2019

M.Baskar
S/o.Murugesan

... Petitioner

Vs

The State represented by its

1.The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600009.

2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.

3. The Inspector of Police,
T-13, Kundrathur Police Station,
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 of the detention order dated 21.05.2019 in Memo No.226/BCDFGISSSV/2019 passed by second respondent and quash the same and direct the respondents to produce the person or body of the detainee Mr.Chandrasekaran @ Eli, S/o.Mr.Murugesan, aged about 43 years, before this Court and set him at liberty, now detained at Central Prison, Puzhal, Chennai 600 066.

For Petitioner : M/s.V.Logeswaren

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the brother of the detenu viz., Chandrasekaran @ Eli, S/o.Murugesan, aged 43 years, who has been branded as a 'GOONDA' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in Memo No.226/BCDFGISSSV/2019 dated 21.05.2019.

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

Sl.No.	Police Station and Crime No.	Section of Law
1.	T-15 S.R.M.C.Police Station Cr.No.612/2018	457, 511 IPC @ 457, 380 IPC
2.	T-15 S.R.M.C. Police Station Cr.No.676/2018	454, 380 IPC

The alleged ground case has been registered against the detenu by the Inspector of Police, T-13 Kundrathur Police Station in Crime No.486 of 2019 for offences under Sections 341, 294(b), 336, 427, 397 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing 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 to the brother of the detenu through 'SMS', 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 to his blood relative, we have no hesitation in quashing the order of detention.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Chandrasekaran @ Eli, S/o.Murugesan, in Memo

No.226/BCDFGISSSV/2019 dated 21.05.2019 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

dpq

To

- 1.The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai 600 007.
3. The Inspector of Police,
T-13, Kundrathur Police Staion,
Chennai.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government,
Public(Law & Order),Fort St.George,Chennai-9.

H.C.P.No.2163 of 2019

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