

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2203 of 2019

Dharani

W/o.Iyyappan @ Balaji

... Petitioner

Vs

1. The District Collector cum District Magistrate,
Vellore District.
2. Government of Tamil Nadu,
represented by its Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
3. The Inspector of Police,
Vellore North Police Station,
Vellore District.
Crime No.511/2019

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to the impugned order of detention passed by first respondent in C3/D.O.No.92/2019 dated 08.08.2019 and quash the same and consequently, direct the respondents to produce the petitioner's husband Iyyappan @ Balaji S/o.Palani, now confined at Central Prison, Vellore, before this Court and set him at liberty forthwith.

For Petitioner : Mr.S.Silambu Selvan
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 wife of the detenu viz., Iyyappan @ Balaji S/o.Palani, aged 31 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of

first respondent passed in C3/D.O.No.92/2019 dated 08.08.2019.

2. The detenu came to adverse notice in Crime No.181/2019 on the file of Vellore North Police Station for offences u/s.294 (b), 341, 392, 397 and 506(i) IPC. The alleged ground case has been registered against the detenu in Crime No.511 of 2019 on the file of Vellore North Police Station for offences u/s.147, 148, 294(b), 341, 506(ii) and 302 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. Amidst several grounds, learned counsel for petitioner submits that though in the Arrest Intimation Form, it is mentioned that the arrest of the detenu has been intimated through SMS, no proof to substantiate the same was produced, 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 no proof has been produced to substantiate that the arrest of the detenu was intimated to his wife, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the first respondent against the detenu viz., Iyyappan @ Balaji S/o.Palani, in C3/D.O.No.92/2019 dated 08.08.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS III)

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Sub Assistant Registrar

gm

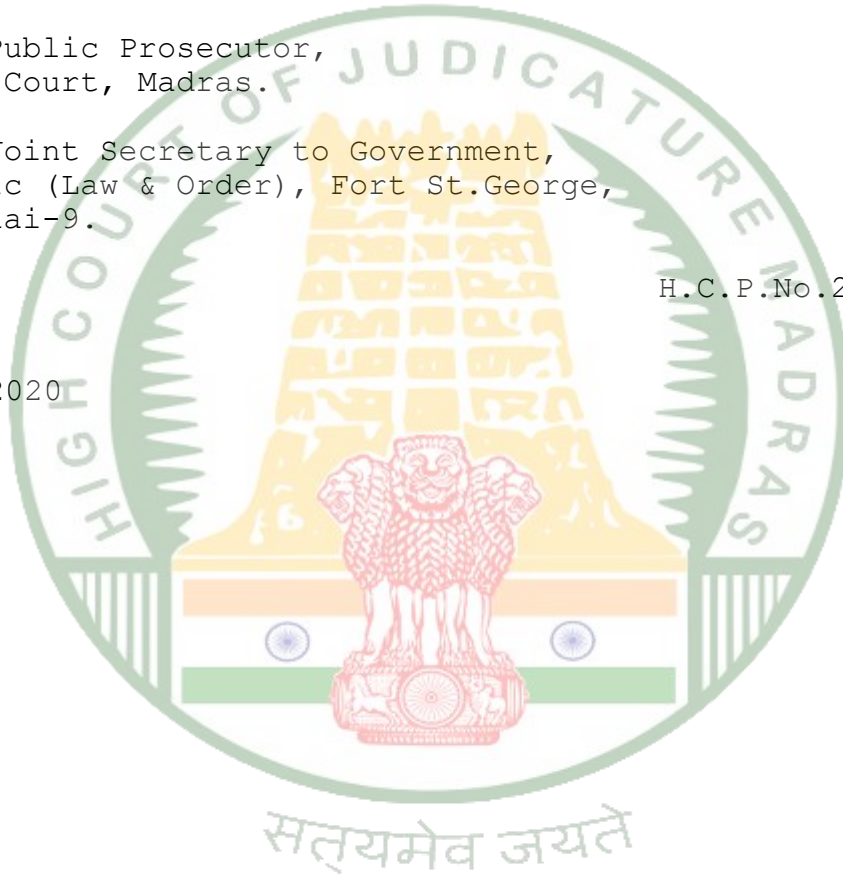
To

1. The District Collector cum District Magistrate,
Vellore District.

2. The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
3. The Inspector of Police,
Vellore North Police Station,
Vellore District.
Crime No.511/2019
4. The Superintendent of Central Prison,
Vellore.
5. The Public Prosecutor,
High Court, Madras.
6. The Joint Secretary to Government,
Public (Law & Order), Fort St.George,
Chennai-9.

H.C.P.No.2203 of 2019

PM(CO)
CS/02/03/2020



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