

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.11 of 2020

Mani

... Petitioner/Father of the detenu

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2.Commissioner of Police,
Greater Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the records in connection with the order of detention passed by the second respondent dated 10.12.2019 in Memo No.852/BCDFGISSSV/2019 against the Petitioner son Murali, male aged 36 years, S/o.Mani, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel.

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

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The father of the detenu has filed this Petition challenging the detention order passed by the second respondent in Memo No.852/BCDFGISSSV/2019 dated 10.12.2019 under Goondas Act as the detenu has got three adverse cases apart from ground case.

3.Heard Mr.S.Senthilvel, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.Taking into consideration of the illegible copies of confession statement occurring at Page No.12,13,14 of the booklet vitiates the detention order and is liable to be set aside and hence this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.852/BCDFGISSSV/2019 dated 10.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Murali, male aged 36 years, S/o.Mani, who is confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

Ay

To

1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2. The Joint Secretary to Government,
Public (law & Order),
Fort Saint George, Chennai 9

3.The Commissioner of Police,
Greater Chennai.

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

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.11 of 2020

LN(CO)
GN(29/07/2020)