

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.41 of 2020

M.Punitha
W/o Manikandan,
Konavaikkal,Erode-2

.... Petitioner/Wife
of the detainee

Vs

- 1.The State of Tamil Nadu,
rep., by the Secretary to Government,
Home, Prohibition and Excise Department.,
Secretariat,
Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Salem District,
Salem.
- 3.The Superintendent of Prison,
Central Prison,
Salem.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records from the 2nd respondent in connection with order C.M.P.No.51/GOONDA/C2/2019 dated 19.12.2019 in and quash the same and produce the Petitioner's husband namely Manikandan, S/o.Subramani, aged 36 years now confined in Central Prison, Salem under the Tamil Nadu Act 14 of 1982 before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.P.Pugalenthil.

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 Wife of the Detenu has filed this Petition challenging the Detention Order passed against her husband by the Second Respondent in C.M.P.No.51/GOONDA/C2/2019 dated 19.12.2019 as the Detenu has got about 18 cases including the adverse cases and the ground case.

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

4.It is evident from the documents produced before this Court that there is no proof regarding the reception of SMS sent by the police authorities informing the arrest of the detenu to his relatives and the same vitiates the detention Order and therefore, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in C.M.P.No.51/GOONDA/C2/2019 dated 19.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Manikandan, S/o.Subramani, aged 36 years, who is confined at Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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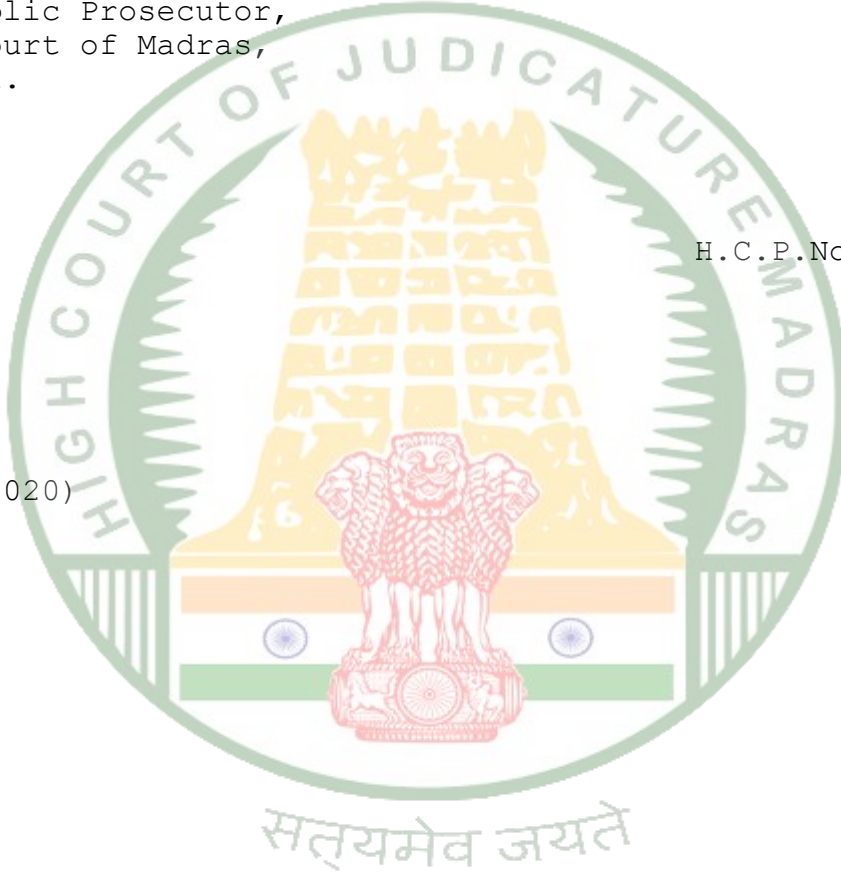
1. The State of Tamil Nadu,
rep., by the Secretary to Government,
Home, Prohibition and Excise Department.,
Secretariat,
Chennai - 600 009.

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2. The District Magistrate and District Collector,
Salem District,
Salem.
3. The Superintendent of Prison,
Central Prison,
Salem.
4. The Joint Secretary to govt, Public(Law and Order),
Secretariat, Chennai-9
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.41 of 2020

MR (CO)
GS (30/07/2020)



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