

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM :

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

H.C.P.No.62 of 2020

Gayathri

... Petitioner

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 Collector and District Magistrate,
Coimbatore District,
Coimbatore.

3.The Superintendent of Prisons,
Central Prison,
Coimbatore - 18.

... 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 in Cr.M.P.No.27/G/2019/E1 dated 24.11.2019 and quash the same and produce the Petitioner's husband namely Muthukrishnan @ Manikandan S/o.Seetharaman, aged 30 years now confined in Central Prison, Coimbatore under the Tamil Nadu Act 14 of 1982 before the Hon'ble Court and set him at liberty.

For Petitioner : Mr.P.Pugalenth

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 Petitioner's husband has been detained under Goondas

Act in Cr.M.P.No.27/G/2019/E1 dated 24.11.2019 by the second respondent as he has got 7 previous cases out of which 2 cases are murder cases and the said order is challenged before this Court.

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 seen from the records that the Petitioner's husband was rightly detained under Goondas Act as he has got many cases registered against him including two murder cases. However, taking into consideration of the fact that the arrest intimation has not been translated and given to the detenu, the same vitiates the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the second respondent in Cr.M.P.No.27/G/2019/E1 dated 24.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Muthukrishnan @ Manikandan S/o.Seetharaman, aged 30 years now confined in Central Prison, Coimbatore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

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

2.The District Collector and District Magistrate,
Coimbatore District,
Coimbatore.

3.The Superintendent of Prisons,
Central Prison,
Coimbatore - 18.

4.The Additional Public Prosecutor,
High Court of Madras,
Chennai.

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

H.C.P.No.62 of 2020

AK (CO)
GN (30/07/2020)



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