

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM :

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

H.C.P.No.142 of 2020

Mannammal

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

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

3.The Inspector of Police,
V-5, Thirumangalam Police Station,
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 of the detention made in Memo No.BCDFGISSSV No.851/2019 dated 10.12.2019 passed by the Commissioner of Police, Greater Chennai, Vepery, Chennai, the Second respondent herein and set aside the same and direct the respondents to produce the petitioner's son Sundar, Male aged about 22 years now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.P.S.Muralidhara Rao.

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 Mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo No.BCDFGISSSV No.851/2019 dated 10.12.2019 under the Tamil Nadu Act 14 of 1982 as he has got four adverse cases and one ground case registered against him for various offences.

3.Heard Mr.P.S.Muralidhara Rao, 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 a similar case confession statement referred in the grounds of detention occurring in Page Numbers 24 and 25 of the booklet are illegible and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.BCDFGISSSV No.851/2019 dated 10.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sundar, Male aged about 22 years, 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(CS-III-MDU)

//True Copy//
Sub Assistant Registrar

सत्यमेव जयते

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1.The by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

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

3.The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.

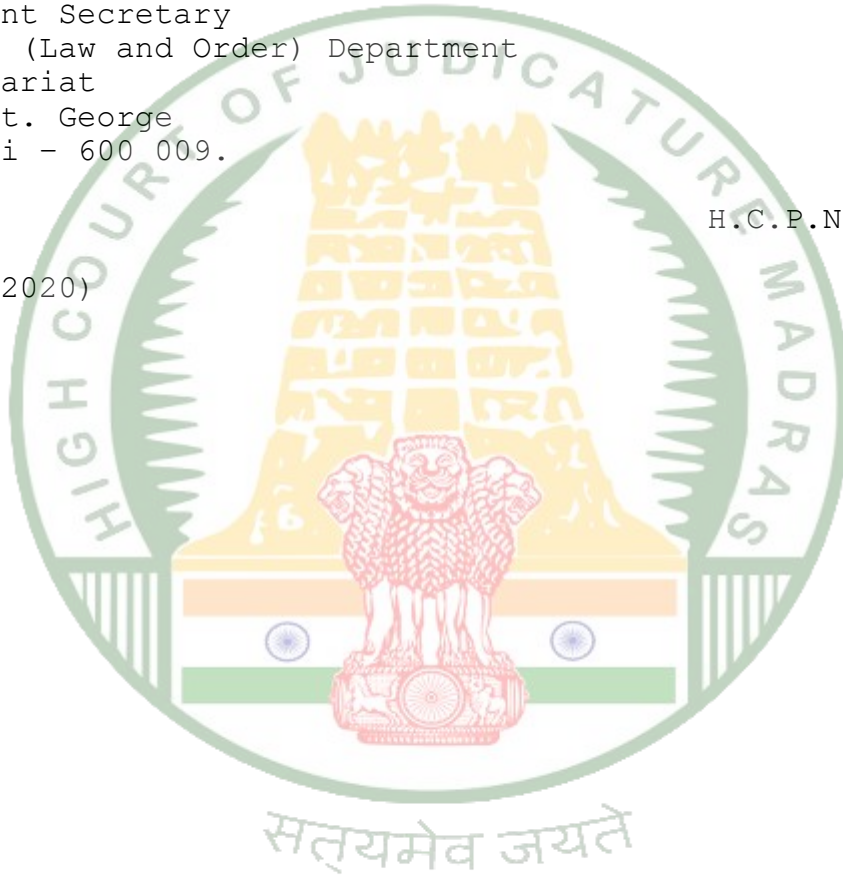
4.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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

6.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St. George
Chennai - 600 009.

H.C.P.No.142 of 2020

SVI(CO)
CB(14/08/2020)



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