

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.65 of 2020

Selvi F/aged about 48 years

W/o. Rajan,

Old No. 5/91, New No. 5/41,

Perumal Koil Street, Sembium, Manali,

Vichoor Post, Chennai - 600 103.

... Petitioner

Vs

1. The State of Tamil Nadu,

Rep. by its Secretary to Government,

Prohibition and Excise Department, (Home),

Chennai - 600 009.

2. The Commissioner of Police,

Detaining Authority,

Greater Chennai City,

Chennai - 600 007.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus and call for the records relating to the detenu's detention order passed by the 2nd respondent vide order No. 847/BCDFGISSSV/2019 dated 07.12.2019 and set aside the same and produce the petitioner's son Ganapathy S/o. Rajan aged about 23 years now detained in Central Prison, Puzhal before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.K. Sarath Kumar

For Respondents : Mr. R. Prathap Kumar

Additional Public Prosecutor

O R D E R

(Order of the Court was delivered 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 against the detenu in No. 847/BCDFGISSSV/2019 dated 07.12.2019 branding him as a "GOONDA" and there is one adverse case pending against him.

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

4. The records would reveal that the documents provided to the detenu are not legible and the cases referred are not similar in nature. Hence, the same vitiates the detention order passed by the detaining authority and this petition has to be necessarily allowed.

5. Accordingly, the detention order passed by the second respondent in No. 847/BCDFGISSSV/2019 dated 07.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Ganapathy, S/o. Rajan, aged about 23 years now detained in Central Prison, Puzhal is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
Prohibition and Excise Department, (Home),
Chennai -600 009.

2. The Commissioner of Police,
Detaining Authority,
Greater Chennai City,
Chennai - 600 007.

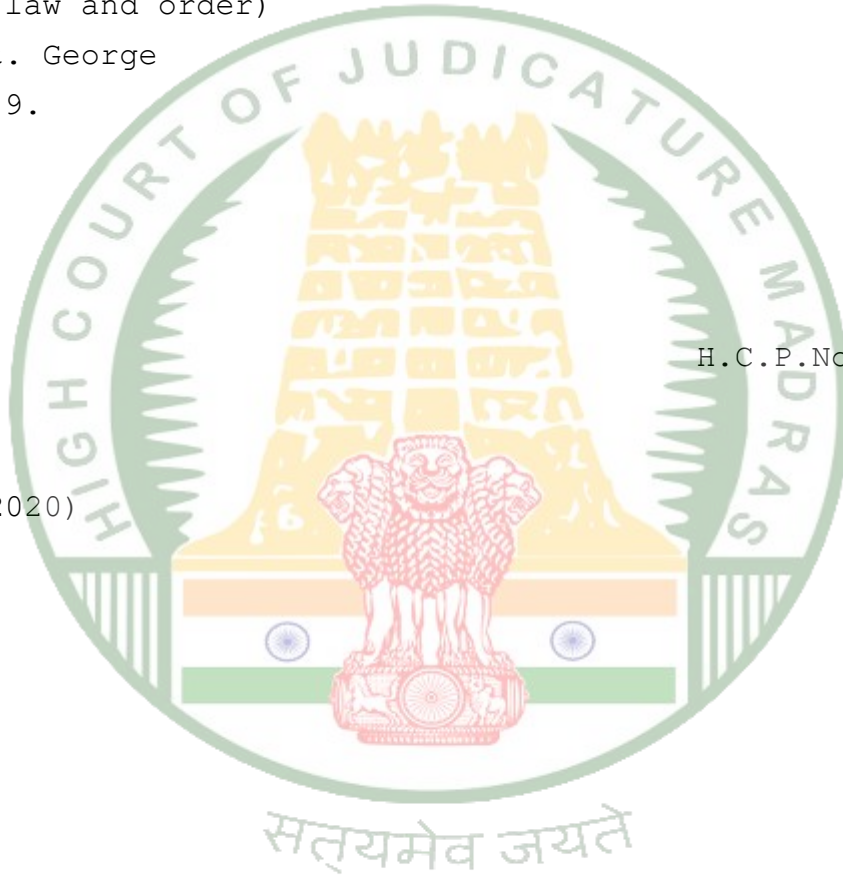
3. The Superintendent,
Central Prison, Puzhal, Chennai.

4. The Public Prosecutor,
High Court, Chennai.

5. The Joint Secretary to Government
Public (law and order)
Fort. St. George
Chennai 9.

H.C.P.No.65 of 2020

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



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