

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2020

CORAM :

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

H.C.P.No.53 of 2020

S.Sandhiya ... Petitioner/Wife of the Detenu

Vs

1.The Secretary to 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 12.12.2019 in Memo No.863/BCDFGISSSV/2019 against the Petitioner husband Silambarasan @ Silambu, male aged 27 years, S/o.Elumalai, 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 Wife of the Detenu has filed this Petition challenging the Detention Order passed by the Second Respondent against her husband in Memo No.863/BCDFGISSSV/2019 dated 12.12.2019, branding him as 'Goonda' as the Detenu has got an adverse case registered against him for the offence under Section 302 of Indian Penal Code apart from the ground case registered against him.

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.The records produced before this Court would reveal that the remand extension orders have not been properly translated which are occurring at Page Numbers 124 to 129 of the booklet supplied to the detenu. Hence, it vitiates the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.863/BCDFGISSSV/2019 dated 12.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Silambarasan @ Silambu, male aged 27 years, S/o.Elumalai, 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.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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

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

3.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.53 of 2020

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



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