

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.57 of 2020

Vijayan

... Petitioner/father of the
detenue

Vs

1.The Secretary to the 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.864/BCDFGISSSV/2019 against the Petitioner Son Ambeth @ Vimalraj, male aged 25 years, S/o.Vijayan, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Hon'ble 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 Father of the Detenu has filed this Petition challenging the detention Order passed against his son in Memo No.864/BCDFGISSSV/2019 dated 12.12.2019 by the Second Respondent

as the Detenu has got about 5 cases registered against him including the ground case. Out of the said cases, one case is registered for the offence under Section 302 of Indian Penal Code and another case is registered for the offence under Section 307 of Indian Penal Code.

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.It is evident from the records that the remand extension order has not been properly translated and provided to the detenu which is seen in Page Number 218 and 219 of the booklet and 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 Memo No.864/BCDFGISSSV/2019 dated 12.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Ambeth @ Vimalraj, male aged 25 years, S/o.Vijayan, 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

True Copy
Sub-Assistant Registrar

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To

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

2.Commissioner of Police,
Greater Chennai.

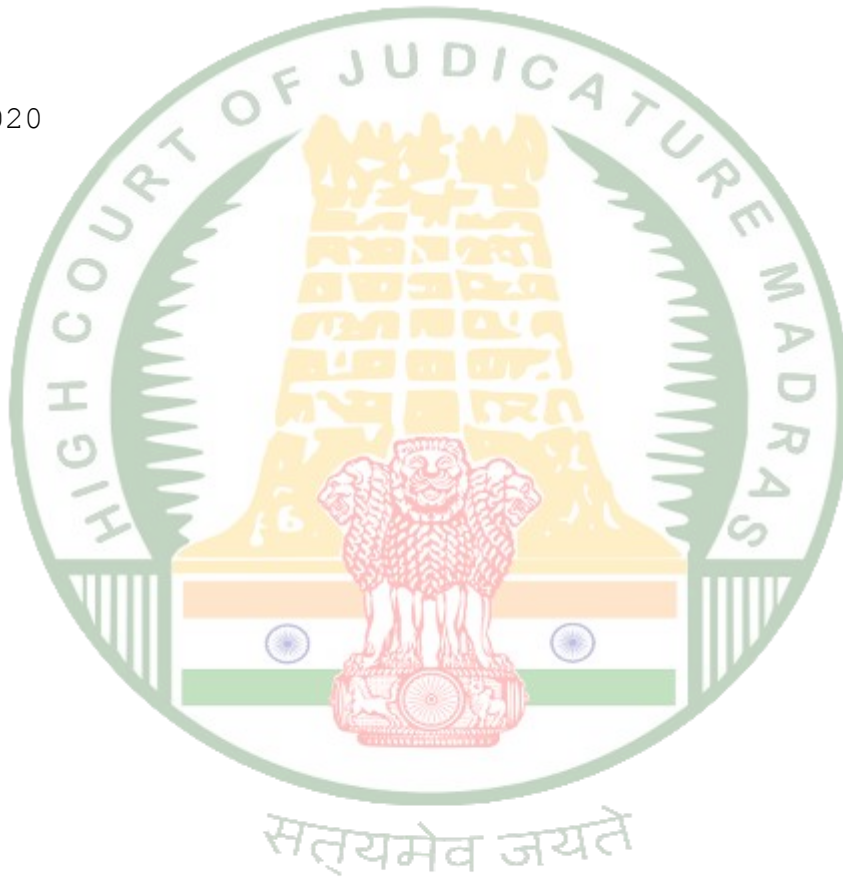
3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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

5.The Joint Secretary to Government
Public Law and order Department
Fort St.George
Chennai-09

H.C.P.No.57 of 2020

mp(co)
aa30/07/2020



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