

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2020

CORAM :

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

H.C.P.No.37 of 2020

Ambika

W/o.Prakash @ Gunda Prakash
149, Malur Taluk, Thirumalahatti,
Santhehalli, Kolar,
Karnataka-563130.

.. Petitioner/
Wife of the Detenue

Vs

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

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

... 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, relating to the petitioner's husband detention under Tamil Nadu act 14 of 1982 vide detention order, dated 24.12.2019 on the file of the second respondent herein made in proceedings Memo S.C. No. 36/2019, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Prakash @ Gunda Prakash, S/o. Venkatesappa, aged 48 years before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Salem.

For Petitioner : Mr.W.Camyles Gandhi

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 against her husband in Memo S.C. No. 36/2019 dated 24.12.2019 by the Second Respondent as the detenu has got 3 adverse cases apart from the ground case registered against him.

3.Heard Mr.W.Camyles Gandhi, 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 detenu was arrested on 08.11.2019 whereas the detention order was passed only on 24.12.2019. As the detention order has been passed belatedly, the detention order is vitiated and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo S.C.No.36/2019 dated 24.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Prakash @ Gunda Prakash aged 48 years, S/o.Venkatesappa, who is confined at Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Krishnagiri District,
Krishnagiri.

3. The Superintendent of Prison,
Central Prison,
Salem.
4. The Joint Secretary to Government,
Public (Law & Order),
Secretariat, Chennai-9.
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.37 of 2020

MR(CO)
CS/30/07/2020



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