

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.43 of 2020

Manjula

... 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 Commissioner of Police,
Salem City, O/o.Commissioner of Police,
Linemedu, Salem - 636 006.

.... 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 19.12.2019 on the file of the second respondent herein made in proceedings Memo C.M.P.No.62/Goonda/Salem City/2019, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Gunasekaran, S/o.Ramalingam, aged 36 years before this Court and set the Petitioner's son 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 by the Second Respondent against his son in Memo C.M.P.No.62/Goonda/Salem City/2019 dated 19.12.2019, branding him as 'Goonda' as the Detenu has got three adverse cases viz., two cases registered for the offence under Section 302 of Indian Penal Code and one case registered for the offence of attempting robbery apart from the ground case which was registered against him for the offence of chain snatching.

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 petitioner's husband was arrested on 06.11.2019 whereas the detention order was passed only on 19.12.2019. Hence, there is a delay in passing the detention order which vitiates the detention order.

5.Accordingly, the detention order passed by the Second Respondent in Memo C.M.P.No.62/Goonda/Salem City/2019 dated 19.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Gunasekaran, S/o.Ramalingam, aged 36 years, 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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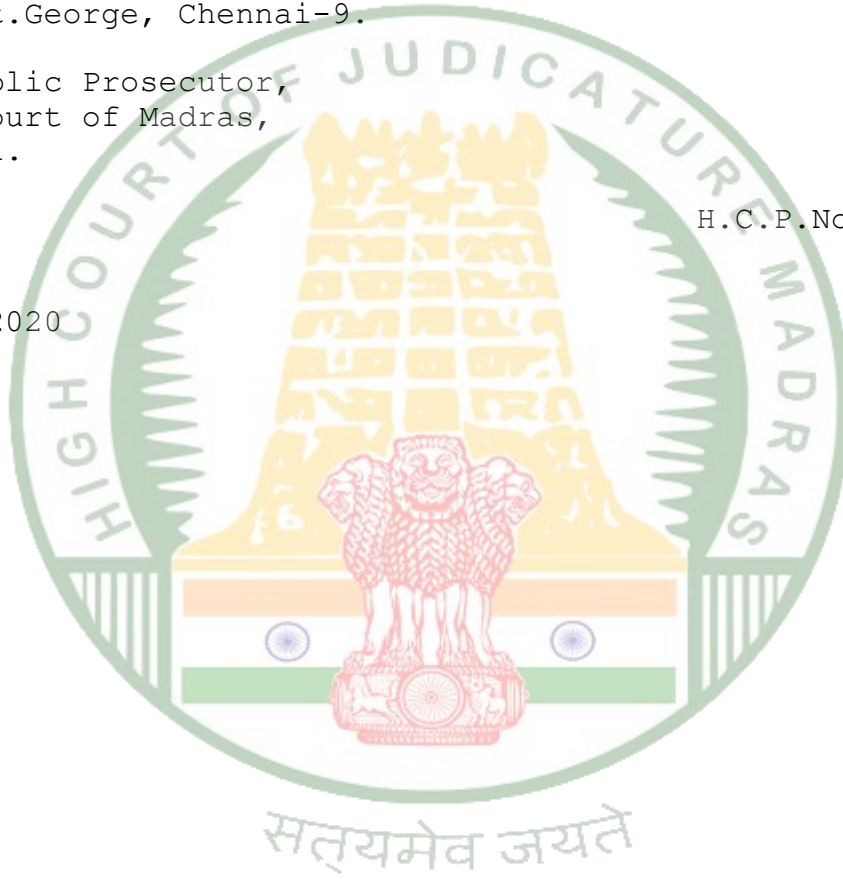
1. The Secretary to Government,
Home, Prohibition and Excise Department.,
Secretariat,
Fort St.George,
Chennai - 600 009.

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2. The Commissioner of Police,
Salem City,
O/o.Commissioner of Police,
Linemedu,
Salem - 636 006.
3. The Superintendent of Prison,
Central Prison,
Salem.
4. The Joint Secretary to Government,
Government Public (Law & Order),
Fort St.George, Chennai-9.
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.43 of 2020

AD(CO)
CS/30/07/2020



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