

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.46 of 2020

V. Premla, Female aged about 19 years
D/o. Viswanathan,
No. 09, Muthu Mariamman Koil Street,
Thandalam Village, Janakipuram Post,
Maduranthagam Taluk,
Chengalpet District. Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai -600 009.

2. The Commissioner of Police,
Greater Chennai Police,
Chennai.Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus calling for the records of the detention order in No. BCDFGISSSV 872 of 2019 dated 16.12.2019 on the file of second respondent and quash the same and produce the petitioner's brother Prasanth S/o. Viswanathan, aged 25, confined at Central Prison, Puzhal before this Court and set him at liberty.

For Petitioner : Mr.Shankar Shanmugam

for Mr. S. N. Arunkumar

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 sister of the detenu has filed this petition challenging the detention order in No.BCDFGISSSV 872 of 2019 dated 16.12.2019 passed by the second respondent against her brother who has got about 6 adverse cases of house breaking, apart from the ground case.

3. Heard Mr.Shankar Shanmugam, learned counsel representing Mr.S.N.Arunkumar, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.The detenu was arrested on 14.11.2019 and the detention order came to be passed on 16.02.2020. Hence, there is a delay. That apart, the similar case which has been cited is not similar in nature and therefore, there is non-application of mind by the detaining authority, vitiating the detention order. Hence, this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the second respondent in No. BCDFGISSSV 872 of 2019 dated 16.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Prasanth S/o. Viswanathan, aged 25 years, confined at Central Prison, Puzhal is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George,
Chennai -600 009.
2. The Commissioner of Police,
Greater Chennai Police, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Chennai.
5. The Joint Secretary to Government,
Public (law & Order),
Fort Saint George, Chennai 9

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RSV (CO)