

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.55 of 2020

Yuvaraj

...Petitioner

Vs

1.State of Tamil Nadu represented
By Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The District Magistrate and District Collector
of Vellore District,
Vellore - 9.

...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 relating to the detention order passed by the second respondent pertaining to the order made in C3/D.O.No.93/2019 dated 24.08.2019 in detaining the detenu under 2 (b) of Tamil Nadu Act 14 of 1982, as a GOONDA and quash the same and direct the respondent to produce the detenu Yuvaraj S/o.Kuppusamy Chettiyar, aged about 31 years, who is detained at Central Prison, Vellore before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.C.Nirmal Krishnan
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 Petitioner has challenged the detention Order passed against him in C3/D.O.No.93/2019 dated 24.08.2019 by the Second

Respondent as he has got about 36 adverse cases apart from the ground case in the similar nature of house breaking and theft.

3.Heard Mr.C.Nirmal Krishnan, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.Even though this Court is not inclined to release the Petitioner by quashing the detention Order, this Court is compelled to quash the Order as there is a delay of 37 days in considering the representation sent on behalf of the Petitioner. Therefore, law compelled this Court to quash the detention Order, even though this Court is not morally convinced.

5.Accordingly, the detention order passed by the second respondent in C3/D.O.No.93/2019 dated 24.08.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Yuvaraj S/o.Kuppusamy Chettiyar, aged about 31 years, who is detained at Central Prison, Vellore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu represented
By Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The District Magistrate and District Collector
of Vellore District,
Vellore - 9.

3.The Superintendent of Prison,
Central Prison,
Vellore.

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

5.The Joint Secretary to Government,
Public (Law & Order)
Secretariat, Chennai.

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AK(CO)
KKV/30/07/2020



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