

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.48 of 2020

Monisha, Female, aged 23 years
W/o.Vijay
No.G/49, Saveriyar Kovil street
Tsunami Kudiyiruppu
Kadampadi, Nagapattinam District.

..Petitioner/Wife of the detenue

Vs.

1.State of Tamil Nadu
Represented by
the Secretary to Government
Home, Prohibition, Excise Department
Fort St. George
Chennai-600 009.

2.Office of the District Collector and
District Magistrate
Nagapattinam District
Nagapattinam.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Habeas Corpus to call for the records pertaining to the order of detention passed in C.O.C.No.60/2019 dated 13.11.2019 passed by the 2nd respondent, set aside the same and directing the respondents to produce the petitioner's husband by name Vijay, son of Jawahar, aged about 29 years before this Court now confined in Central Prison, Tiruchirappalli and set him at liberty.

For Petitioner
For Respondents

:Mr.K.Thenrajan
:Mrs.R.Prathap Kumar
(Additional Public Prosecutor)

O R D E R
(Order of the Court was made by N.KIRUBAKARAN, J.)

The matter is heard through video-conferencing.

2.The wife of the detenu has filed this petition challenging the detention order passed against her husband, who has got eight chain snatching cases apart from the ground case.

3.Heard Mr.K.Thenrajan, learned counsel appearing on behalf of the petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing on behalf of the respondents.

4.It is evident from the records that there is a delay of 18 days in considering the representation given on behalf of the detenu. Therefore, the same vitiates the detention order and this petition is liable to be allowed.

5.Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent in C.O.C.No.60/2019 dated 13.11.2019 is hereby set aside. The detenu viz., Vijay, son of Jawahar, aged about 29 years, who is now confined at Central Prison, Tiruchirappalli, 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

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

2.Office of the District Collector and
District Magistrate
Nagapattinam District, Nagapattinam.

3. The Superintendent of Prison,
Central Prison, Tiruchirappalli

4.The Public Prosecutor
High Court, Chennai.

H.C.P.No.48 of 2020

SSV(CO)
SP(30/07/2020)



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