

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2020

CORAM :

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

H.C.P.No.77 of 2020

Tmt.Jeyalakshmi

... Petitioner/Elder Sister of the Detenue

Vs

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.
- 2.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 3.The Superintendent,
Central Prison for Women,
Puzhal, Chennai - 600 066.

.... 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 pertaining to the Order of Detention passed by the First Respondent herein and made in No.865/B.C.D.F.G.I.S.S.S.V./2019 dated 12.12.2019, and to set aside the same and directing the respondent to produce the detenue, Tmt.Santhi, aged 48 years, W/o.Sakthivel now confined in Special Prison for Women, Puzhal, Chennai before this Court and thereby sitting her at liberty.

For Petitioner : Mr.T.S.Srinivasan.

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 Sister of the Detenue has filed this Petition challenging the detention Order passed in No.865/B.C.D.F.G.I.S.S.S.V./2019 dated 12.12.2019 by the First Respondent.

3.Heard Mr.T.S.Srinivasan, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is evident from the records that the remand extension order has not been properly translated and provided to the detenue which is occurred in Page Numbers 39 and 40 of the booklet and the same vitiates the detention Order and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the First Respondent in No.865/B.C.D.F.G.I.S.S.S.V./2019 dated 12.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenue viz., Tmt.Santhi, aged 48 years, W/o.Sakthivel now confined in Special Prison for Women, Puzhal, Chennai is directed to be set at liberty forthwith unless her presence is required in connection with any other case.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai.
- 2.The Joint Secretary to Government
Public (Law and order)
Fort. St. George
Chennai 9.
- 3.The Additional Chief Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

4.The Superintendent,
Special Prison for Women,
Puzhal, Chennai - 600 066.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.77 of 2020

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



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