

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.68 of 2020

Vaidhegi Petitioner/Sister of the
detenue

Vs

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

2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600 007.

... 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 in Memo No.810/BCDFGISSSV/2019, dated 26.11.2019 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the Respondent to produce the Petitioner's brother Isravel @ Easu S/o.Sundaramurthy, aged about 21 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Hon'ble Court and set the petitioner's brother Isravel @ Easu S/o.Sundaramurthy, aged about 21 years, the detenu herein at liberty.

For Petitioner : Mr.T.V.Somasundaram.

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 Detenu is challenging the detention Order passed by the second respondent in Memo No.810/BCDFGISSSV/2019, dated 26.11.2019 as the detenu has got 4 adverse cases registered against him apart from the ground case.

3.Heard Mr.T.V.Somasundaram, 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 there is a delay of 13 days in considering the representation sent on behalf of the detenu and the same vitiates the detention Order and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the second respondent in Memo No.810/BCDFGISSSV/2019, dated 26.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Isravel @ Easu S/o.Sundaramurthy, aged about 21 years, who is confined at Central Prison, Puzhal, Chennai 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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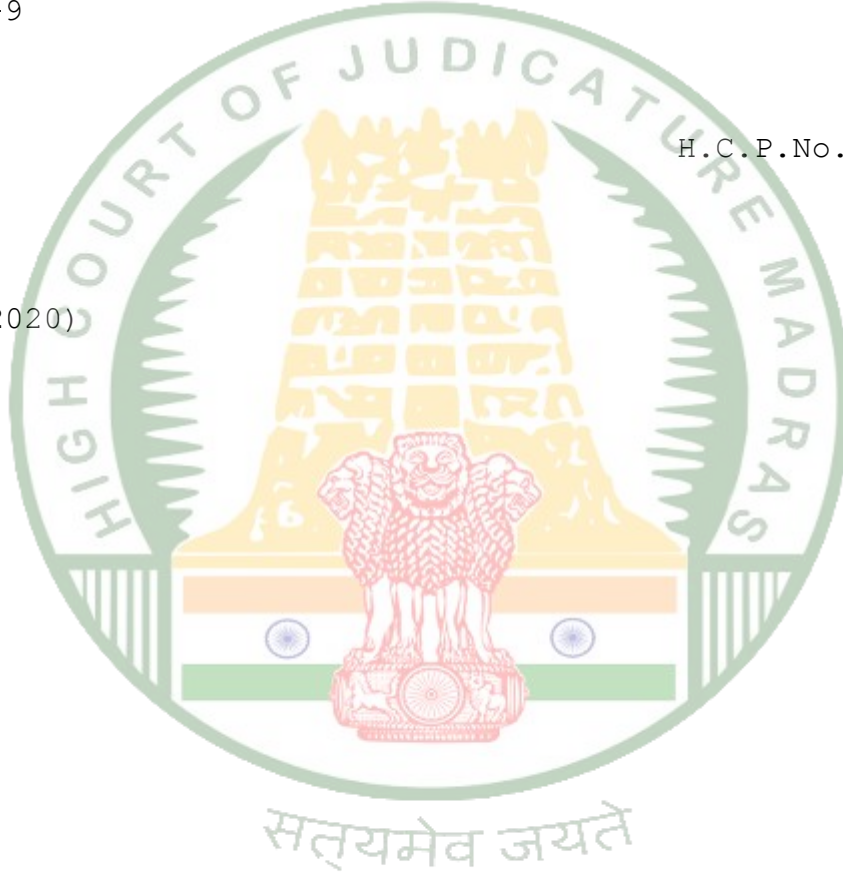
To

1. State of Tamil Nadu,
Rep., by the Secretary, Home,
Prohibition and Excise Department.,
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600 007.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Additional Public Prosecutor,
High Court of Madras,
Chennai.
5. The Joint Secretary to Government,
Public (C & O),
Fort St. George,
Chennai-9

H.C.P.No.68 of 2020

MP (CO)
GS (30/07/2020)



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