

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM :

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

H.C.P.No.71 of 2020

Paramasivam

...Petitioner

Vs

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Dept.,
Secretariat,
Fort St.George,
Chennai 600 009.

2. The Commissioner of Police,
Salem City,
Salem.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the order of the 2nd respondent herein in C.M.P.No.54/Goonda/Salem City/2019 dated 09.12.2019 passed against the petitioner's son the detenu namely Gowtham, Son of Paramasivam, aged about 23 years, who is confined at Central Prison, Salem and set aside the same, consequently, directing the respondents herein to produce the body and person of the detenu before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.R.Elavarasan.

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 Father of the detenu has filed this Petition challenging the detention order passed by the Second Respondent

in C.M.P.No.54/Goonda/Salem City/2019 dated 09.12.2019 under Tamil Nadu Act 14 of 1982 as he has got two adverse cases and one ground case registered against him for various offences.

3.Heard Mr.M.R.Elavarasan, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.The records produced before this Court would reveal that no proof for having communicated the intimation of arrest to his relatives occurring in Page Number 253 of the booklet supplied to the detenu and the same vitiates the detention order and hence, this Habeas Corpus Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in C.M.P.No.54/Goonda/Salem City/2019 dated 09.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Gowtham, Son of Paramasivam, aged about 23 years, who is confined at Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(AD MD)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Dept.,
Secretariat,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police,
Salem City,
Salem.

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

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

5.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St. George
Chennai - 600 009.

H.C.P.No.71 of 2020

GP(CO)
KKV/19/08/2020