

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2020

CORAM :

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

H.C.P.No.102 of 2020

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... Petitioner

Vs

1.The State represented by
Secretary to the Government (Home),
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

... 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 in Pursuant to the detention order issued by the 2nd respondent vide No.D.O.No.100/2019-C2, dated 17.12.2019 and set aside the same and consequentially direct the respondents to produce the detenu, Moosa S/o.Abdul Sathar, aged about 46 years, husband of the petitioner now confined at Cetnral Prison, Vellore before this Court and set him at liberty forthwith.

For Petitioner : Mr.M.Sathish Kumar.

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 Wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in D.O.No.100/2019-C2 dated 17.12.2019 under Goondas Act as the detenu has got a ground case registered against him for the

offence under Section 302 of Indian Penal Code.

3.Heard Mr.M.Sathish Kumar, 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 the intimation of the arrest of the detenu occurring in Page Numbers 107 and 108 of the booklet has not been communicated to his relatives 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 D.O.No.100/2019-C2 dated 17.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Moosa S/o.Abdul Sathar, aged about 46 years, who is confined 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.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.
- 3.The Superintendent of Prison,
Central Prison,
Vellore.
- 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.102 of 2020

BR(CO)
RMP(06/08/2020)



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