

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM :

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

H.C.P.No.96 of 2020

Rathinamani

...
Petitioner

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.

2.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 records in connection with the order of detention passed by the Second Respondent dated 05.11.2019 in D.O.No.88/2019-C2 against the petitioner husband Ponraj, male aged 48 years, S/o.Ramasamy, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.N.Karunakaran.

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 Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in D.O.No.88/2019-C2 dated 05.11.2019 by the Second Respondent.

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

4.It is seen from the records that remand extension order has not been properly translated and supplied to the detenu in the booklet furnished to him 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 D.O.No.88/2019-C2 dated 05.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Ponraj, male aged 48 years, S/o.Ramasamy, 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(CS III)

//True Copy//

Sub Assistant Registrar

ay

To

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

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

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

4.The Joint Secretary to Government,
Secretariat,
Chennai - 9

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

H.C.P.No.96 of 2020

MG (CO)
KKV/05/08/2020



WEB COPY