

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.92 of 2020

Shanthi

... Petitioner/
Mother of the detainee

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
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.89/2019-C2 against the Petitioner Son Chinnarasu, male aged 34 years, S/o.Babu, 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.

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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 mother of the detenu has challenged the detention order passed against her son in D.O.No.89/2019-C2 dated 05.11.2019 by the Second Respondent as he has got three adverse cases registered against him.

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 there was a delay in passing the Detention Order. Though the Detenu was arrested on 27.09.2019, the Detention Order was passed only on 05.11.2019 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.89/2019-C2 dated 05.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Chinnarasu, male aged 34 years, S/o.Babu, 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

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

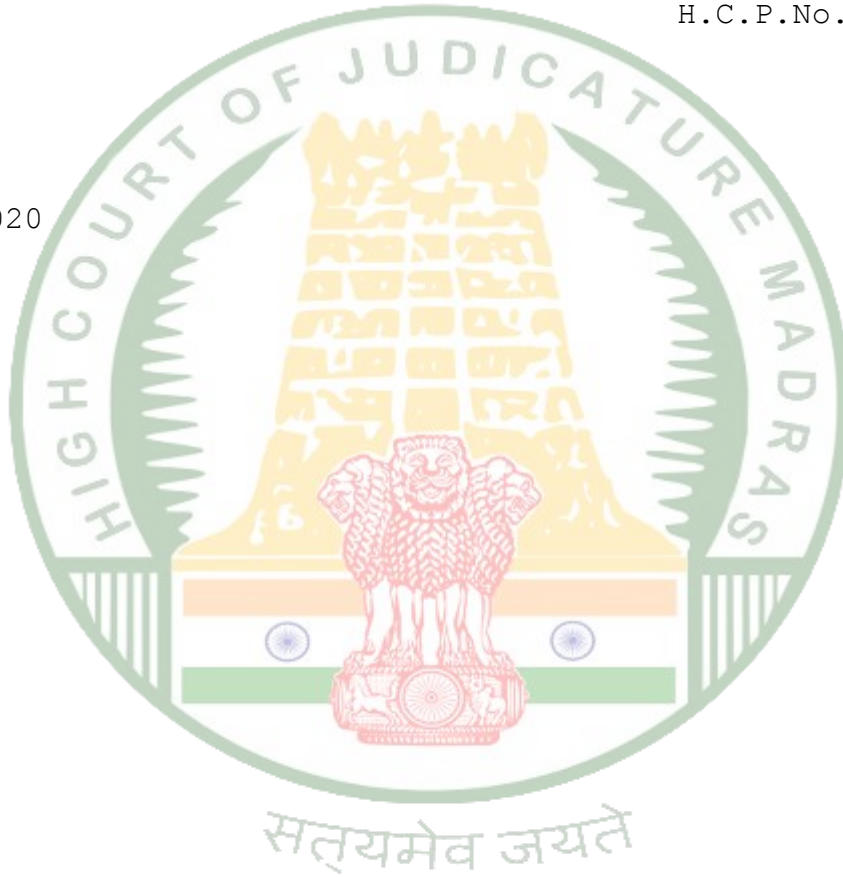
3.The Superintendent of Prison,
Central Prison,
Vellore.

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

5.The Joint Secretary to Government
Public Law & Order Fort St.George
Chennai-09

H.C.P.No.92 of 2020

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