

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.110 of 2020

Hemalatha

... Petitioner

Vs

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.

... 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.733/BCDFGISSSV/2019, dated 31.10.2019 passed by the 2<sup>nd</sup> respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the Petitioner's husband Manoharan, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the Petitioner's husband Manoharan, Son of Palani, aged about 42 years the detenu herein set him at liberty.

For Petitioner : Mr.M.Baskar.

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 Memo No.733/BCDFGISSSV/2019 dated 31.10.2019 by the Second Respondent based on the ground case registered against him for the offence

under Section 302 of Indian Penal Code.

3. Heard Mr. M. Baskar, 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 a similar case bail order referred in the grounds of detention occurring in Page Numbers 679 to 681 of the booklet has not been translated and supplied to the detenu and the same vitiates the detention order. Further, the detention order passed against the co-accused has already been set aside by this Court in HCP.Nos.99, 101 and 106 of 2020. Hence, this Petition has to be necessarily allowed.

5. Accordingly, the detention order passed by the Second Respondent in Memo No.733/BCDFGISSSV/2019 dated 31.10.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Manoharan, Son of Palani, aged about 42 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(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
The State of Tamil Nadu,  
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, Puzhal,  
Chennai.

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.110 of 2020

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



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