

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.115 of 2020

Rani Petitioner/Wife of the Detenu

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.87/2019-C2 against the petitioner husband Kotteswaran, male aged 44 years, S/o.Govindan, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Hon'ble 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 Wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in D.O.No.87/2019-C2 dated 05.11.2019 under Goondas Act as the

detenu has got three adverse cases registered against him apart from the ground case.

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.The records produced before this Court would reveal that the remand extension order occurring in Page Numbers 149 to 151 of the booklet has not been properly 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.92 and 96 of 2020. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in D.O.No.87/2019-C2 dated 05.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Kotteswaran, male aged 44 years, S/o.Govindan, 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-VI)

//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.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
Fort St.George
Secretariat
Chennai - 600 009.

H.C.P.No.115 of 2020

SVJ(CO)
CB(06/08/2020)



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