

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM :

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

H.C.P.No.122 of 2020

Palaniyammal

... Petitioner/Wife of the Detenu

Vs

- 1.Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
 - 2.The District Collector and District Magistrate,
Office of District Collector and District Magistrate,
Ariyalur District,
Ariyalur.
 - 3.The Superintendent of Central Prison,
Tiruchirapalli.
- ... 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 proceedings of the 2nd respondent dated 07.12.2019, vide Cr.M.P.No.37/2019 against detenu Sivakumar, son of Pichaipillai, aged about 35 years, and quash the same consequently direct the respondents herein to produce the detenu who has been now detained under Act 14 of 1982 in Central Prison, Tiruchirapalli before this Court and set him at liberty.

For Petitioner : Mr.K.Chandramohan.

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 her husband in Cr.M.P.No.37/2019 dated 07.12.2019 by the Second Respondent as he has got a ground case registered against him for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.K.Chandramohan, 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 the Post Mortem Certificate which is occurring in Page Numbers 95 and 96 of the booklet has not been translated and supplied to the detenu. Further, the detention order passed against the co-accused has already been set aside by this Court in H.C.P.Nos.27, 29 and 30 of 2020. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Cr.M.P.No.37/2019 dated 07.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sivakumar, son of Pichaipillai, aged about 35 years, who is confined at Central Prison, Tiruchirapalli 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.Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Office of District Collector and District Magistrate,
Ariyalur District,
Ariyalur.
- 3.The Superintendent of Prison,
Central Prison,
Tiruchirapalli.

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.122 of 2020

RJI (CO)
GN(06/08/2020)



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