

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.127 of 2020

Kanaga

... Petitioner

Vs

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

2.The District Collector and District Magistrate,
Vellore District,
Vellore - 9.

... 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 07.01.2020 in Memo No.C3/D.O.No.01/2020 against the Petitioner Son Saravanan @ Sumaithangi Saravanan, Male aged 32 years S/o.Venkatesan, 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.D.Balaji

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 Memo No.C3/D.O.No.01/2020 dated 07.01.2020 by the Second Respondent

as he has got four adverse cases registered against him apart from the ground case for the offence of chain snatching.

3.Heard Mr.D.Balaji, 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 no proof for having communicated the intimation of arrest to his mother through SMS occurring in Page Number 66 of the booklet supplied to the detenu and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.C3/D.O.No.01/2020 dated 07.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Saravanan @ Sumaithangi Saravanan, Male aged 32 years S/o.Venkatesan, 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(co)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Dept,
Secretariat,
Chennai - 600 009.
- 2.District Collector and District Magistrate,
Vellore District,
Vellore - 9.
- 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.GeorgeSecretariat,Chennai - 600 009.

H.C.P.No.127 of 2020

A.SK(06/08/2020)