

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2020

CORAM :

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

H.C.P.No.158 of 2020

S.Manikandan ...Petitioner/Brother of the detenue

Vs

1. State of Tamil Nadu represented,
by Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2. Commissioner of Police,
Greater Chennai Police,
Chennai - 7.

...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 passed by the second respondent pertaining to the order made in BCDFGISSSV No.564/2019 dated 06.09.2019 in detaining the detenu under 2 (b) of Tamil Nadu Act 14 of 1982, as a GOONDA and quash the same and direct the respondent to produce the detenu Ashok, S/o.Sankar, aged about 25 years, who is detained at Central Prison, Puzhal, Chennai before this Court and set him liberty.

For Petitioner : Mr.Elumalai
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 brother of the detenu has come before this Court challenging the detention Order passed against his brother viz., Ashok S/o.Sankar, aged about 25 years in BCDFGISSSV No.564/2019 dated 06.09.2019, terming him as GOONDA as he has got two adverse cases in his credits.

3.Mr.Elumalai, learned Counsel for the Petitioner would submit that there is a delay in passing the detention order as he was arrested on 21.07.2019 whereas detention order has been passed only on 06.09.2019.

4.Heard the learned Counsel appearing for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.

5.Considering the fact that there is a delay in passing the detention order, this petition has to be necessarily allowed. Accordingly the detention order passed by the second respondent in BCDFGISSSV No.564/2019 dated 06.09.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Ashok, S/o.Sankar, aged about 25 years, who is detained 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(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. State of Tamil Nadu represented,
by Secretary to Government, Home,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2. Commissioner of Police,
Greater Chennai Police, Chennai - 7.

3. The Superintendent of Prison,
Central Prison - I, Puzhal, Chennai.

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

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PP(CO)
CS/06/11/2020