

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM :

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

H.C.P.No.138 of 2020

M.Malathi

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai 9.

2.The Commissioner of Police,
The Commissionerate,
Coimbatore District,
Coimbatore.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, directing to produce the body of the detenu namely (M.Sathish aged about 38 years son of Murugesan) before this Court and set him at liberty forthwith, by calling for the records pertaining to the detention order dated C.No.02/G/IS/2020 dated 02.01.2020 passed by the 2nd respondent, quash the same.

For Petitioner : Mr.M.Guruprasad.

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 Wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in

C.No.02/G/IS/2020 dated 02.01.2020 under the Tamil Nadu Act 14 of 1982 based on the ground case registered against him.

3.Heard Mr.M.Guruprasad, 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 similar case referred in the detention order is not similar in nature and the Post Mortem Certificate has not been properly translated and supplied to the detenu in the booklet furnished to him 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 C.No.02/G/IS/2020 dated 02.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., M.Sathish aged about 38 years son of Murugesan, who is confined at Central Prison, Coimbatore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Prohibition and Excise Department(Home),
Fort St.George,
Chennai 9.

2.The Commissioner of Police,
The Commissionerate,
Coimbatore District,
Coimbatore.

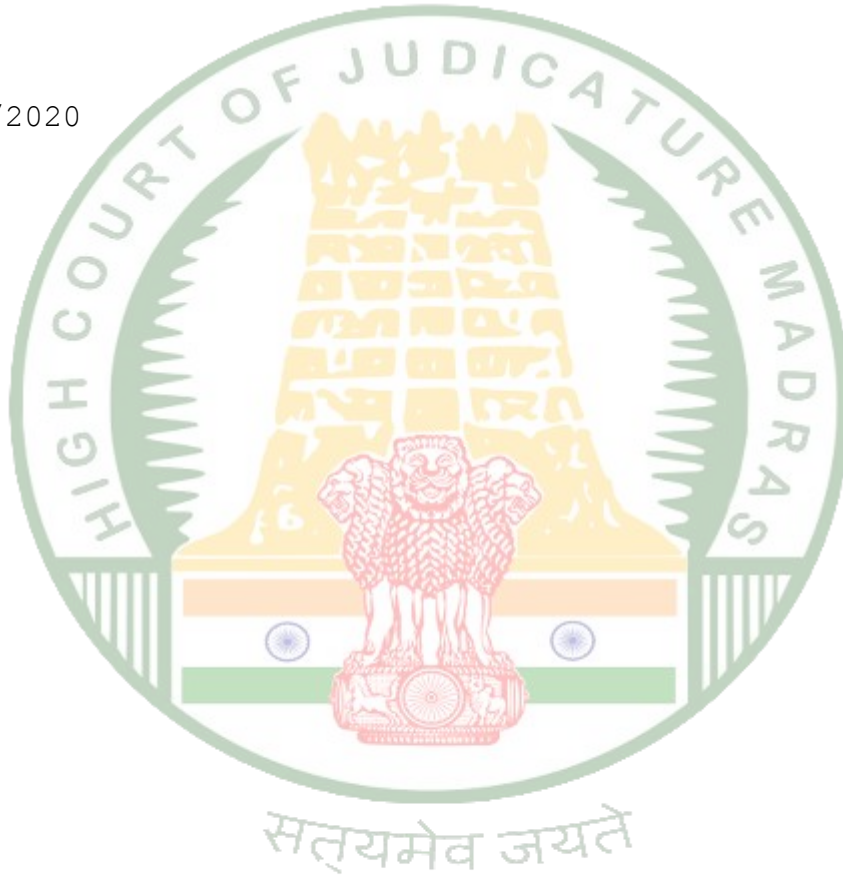
3.The Superintendent of Prison,
Central Prison,
Coimbatore.

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.

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RJI (CO)
KKV/14/08/2020



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