

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.145 of 2020

Kumari

...Petitioner
/Sister of the Detenue

Vs

1. State of Tamil Nadu,
Rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

...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 in Memo No.858/BCDFGISSSV/2019 dated 11.12.2019 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's sister Tmt.Saritha W/o.Nagaraj, aged about 34 years the detenue, now confined in Central Prison for Women, Puzhal, Chennai before this Court and set the petitioner's sister Tmt.Saritha W/o.Nagaraj, aged about 34 years, the detenue herein set her liberty.

For Petitioner : Mr.R.Muthukumar.

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 Sister of the detenue has filed this Petition challenging the detention order passed by the Second Respondent in Memo No.858/BCDFGISSSV/2019 dated 11.12.2019 under the Tamil Nadu Act 14 of 1982 based on the ground case registered against her.

3.Heard Mr.R.Muthukumar, 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 a similar case's Form 91 referred in the grounds of detention occurring in Page Number 67 of the booklet is illegible 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.858/BCDFGISSSV/2019 dated 11.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenue viz., Tmt.Saritha W/o.Nagaraj, aged about 34 years, who is confined at Central Prison for Women, Puzhal, Chennai is directed to be set at liberty forthwith unless her 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.State of Tamil Nadu,
Rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery,
Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison for Women, Puzhal,
Chennai.

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.

H.C.P.No.145 of 2020

RJI (CO)
KKV/14/08/2020



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