

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.156 of 2020

J.Jayakumar

... Petitioner

Vs

1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Chennai

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

4.The State Rep. by,
Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.

... 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 2nd respondent pertaining to the order made in No.814/BCDFGISSSV/2019 dated 26.11.2019 in detain the detenu under 2 (b) of Tamil Nadu Act 14 fo 1982, as a GOONDA and quash the same and direct the respondent to produce the detenu Sarankumar @ Saran, S/o.Jayakumar, aged about 26 years, who is detained at Central prison - II, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.M.Aswin.

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 father of the detenu has challenged the detention order passed against his son in No.814/BCDFGISSSV/2019 dated 26.11.2019 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.M.Aswin, 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 relative through SMS occurring in Page Number 128 of the booklet supplied to the detenu and the same vitiates the detention order. Further, the detention order passed against the co-accused has already been set aside by this Court in H.C.P.No.7 of 2020 Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in No.814/BCDFGISSSV/2019 dated 26.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sarankumar @ Saran, S/o.Jayakumar, aged about 26 years, who is detained at Central prison - II, Puzhal, Chennai 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.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Chennai

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

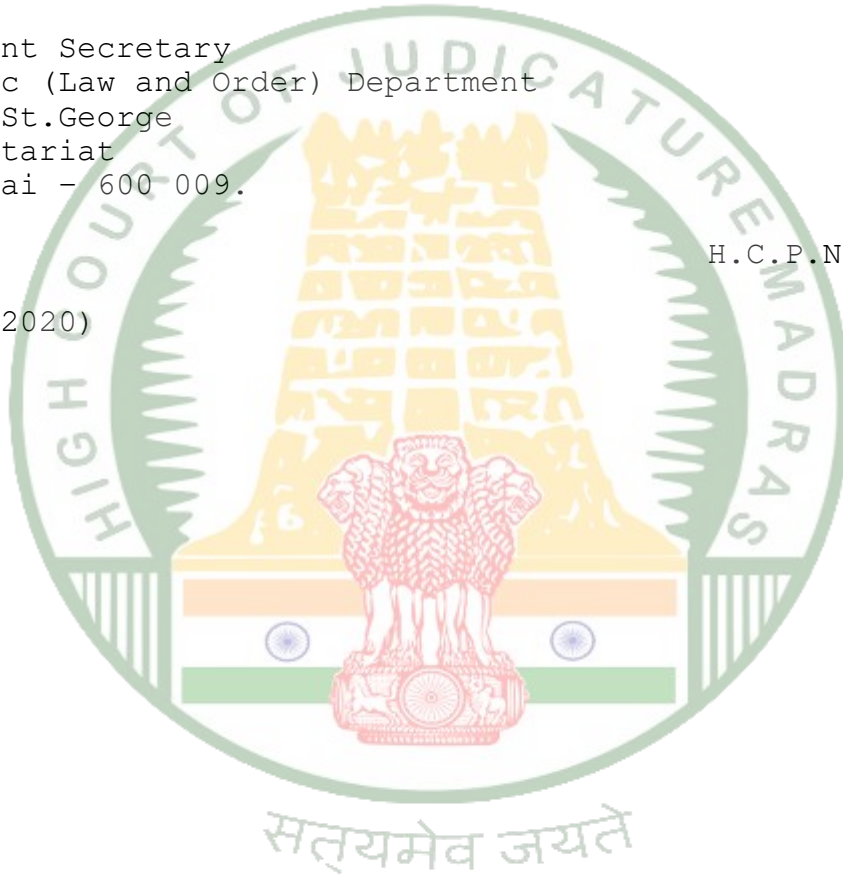
4.The State Rep. by,
Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

6.The Joint Secretary
Public (Law and Order) Department
Fort St.George
Secretariat
Chennai - 600 009.

SSV(CO)
CB(06/08/2020)

H.C.P.No.156 of 2020



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