

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM :

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

H.C.P.No.157 of 2020

Nanda Kumar

... Petitioner

Vs

1.The State of Tamil Nadu,
rep. by its Additional Chief Secretary to Government,
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 of the second respondent herein pertaining to the detention order made in BCDFGISSSV No.779/2019 dated 15.11.2019 and quash the same and direct the respondents to produce the body of the detainee namely Manjula, aged about 42 years, now detained in Central Prison, Puzhal, Chennai before this Court and set the detenu at liberty forthwith.

For Petitioner : Mr.J.Samiullah

For Respondents: Mr. R. Prathap Kumar,
Additional Public Prosecutor.

ORDER

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Son of the detainee has filed this Petition challenging the detention order passed by the Second Respondent in BCDFGISSSV No.779/2019 dated 15.11.2019 under the Tamil Nadu Act 14 of 1982.

3.Heard Mr.J.Samiullah, 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 seizure mahazar referred in the grounds of detention occurring in Page Number 21 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 BCDFGISSSV No.779/2019 dated 15.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Manjula, aged about 42 years, who is confined at Central Prison, Puzhal, Chennai is directed to be set at liberty forthwith unless her presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai 600 009.

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

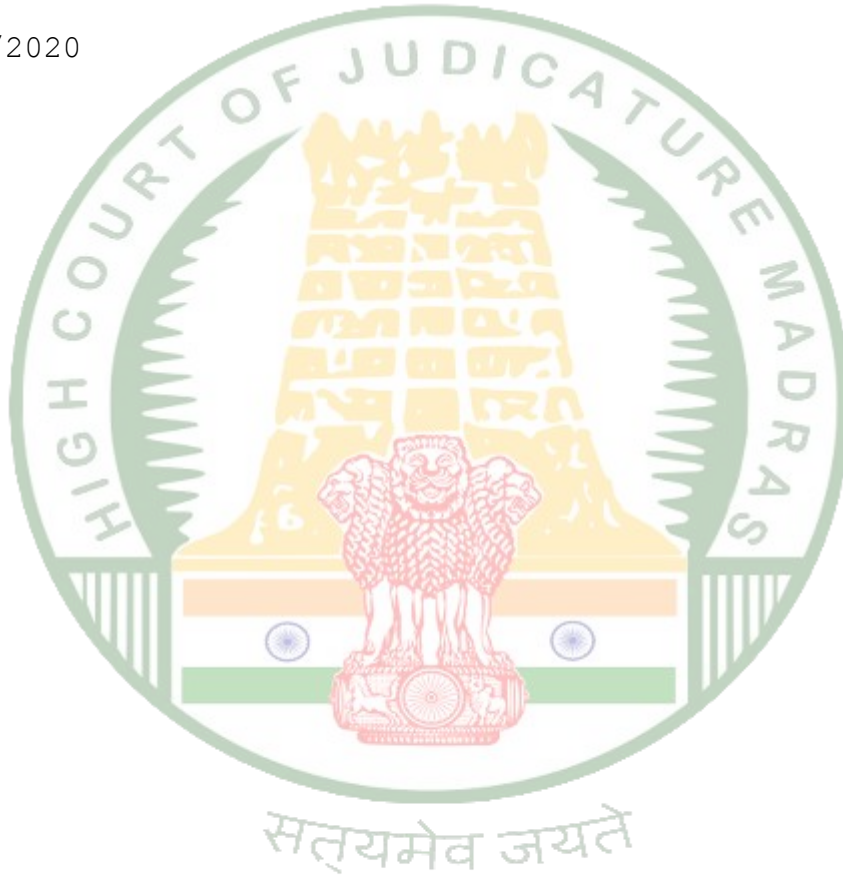
3.The Superintendent of Prison,
Special Prison for Women,
Chennai.

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.

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