

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2020

CORAM :

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

H.C.P.No.221 of 2020

Rahim

...Petitioner

Vs

1. The State of Tamilnadu,
Rep. by its Additional Secretary to Government Home,
Prohibition and Excise Department,
Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai City,
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 upon the production of the records relating to the detention order dated on 08.01.2020 made in detention order Memo No. BCDFGISSSV/11/2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the detenu Sibi, S/o Babu aged about 27 years branded as Goondas and now confined in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forth.

For Petitioner : Mr.P.Sundararrajan }Through VC
For Respondents : Mr. R. Prathap Kumar,
Additional Public Prosecutor.

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O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The brother-in-law of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo No. BCDFGISSSV/ 11/2020 dated 08.01.2020 under Tamil

Nadu Act 14 of 1982 as he has got three adverse cases, apart from ground case registered against him.

3.Heard Mr.P.Sundararrajan, learned Counsel appearing for the Petitioner and Mr. R. Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.The records produced before this Court would reveal that Form 95 of the third adverse case referred in the grounds of detention occurring in Page Number 100 of the booklet supplied to the detenu is illegible and the same vitiates the detention order and hence, this Habeas Corpus Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No. BCDFGISSSV/11/2020 dated 08.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sibi S/o Babu, aged 27 years, who is confined 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

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Secretary to Government Home,
The State of Tamilnadu,
Prohibition and Excise Department,
Chennai 600 009.

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

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

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

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

H.C.P.No.221 of 2020

SVI (CO)
KKV/20/08/2020



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