

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.187 of 2020

Mrs.S.Sudha

... Petitioner

Vs

- 1.The State Rep. by its,  
Secretary, Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St.George, Chennai 600 009.
- 2.The Commissioner of Police, Greater Chennai,  
Office of the Commissioner of Police [Goondas Section],  
Vepery, Chennai - 600 007.
- 3.The State rep. by its,  
Inspector of Police,  
S-6 Sankar Nagar 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 of the Second Respondent in BCDFGISSSV No.900/2019 dated 31.12.2019 and quash the same and thereby direct the respondents to produce the son of the petitioner namely Thiru Sugumar S/o.Sigamani, aged about 33 years [Detenu] now detained at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.M.Ravikumar.

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 detenu has filed this Petition challenging the detention order passed by the Second Respondent in BCDFGISSSV No.900/2019 dated 31.12.2019 under the Tamil Nadu Act 14 of 1982 as he has got two adverse cases and one ground case registered against him.

3.Heard Mr.M.Ravikumar, 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 Form No.95 ground case referred in the grounds of detention occurring in Page Number 58 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.900/2019 dated 31.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Sugumar S/o.Sigamani, aged about 33 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 (CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary, Government of Tamil Nadu,  
Home, Prohibition and Excise Department,  
Fort St.George, Chennai 600 009.
- 2.The Commissioner of Police, Greater Chennai,  
Office of the Commissioner of Police [Goondas Section],  
Vepery, Chennai - 600 007.
- 3.The State rep. by its,  
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Chennai.

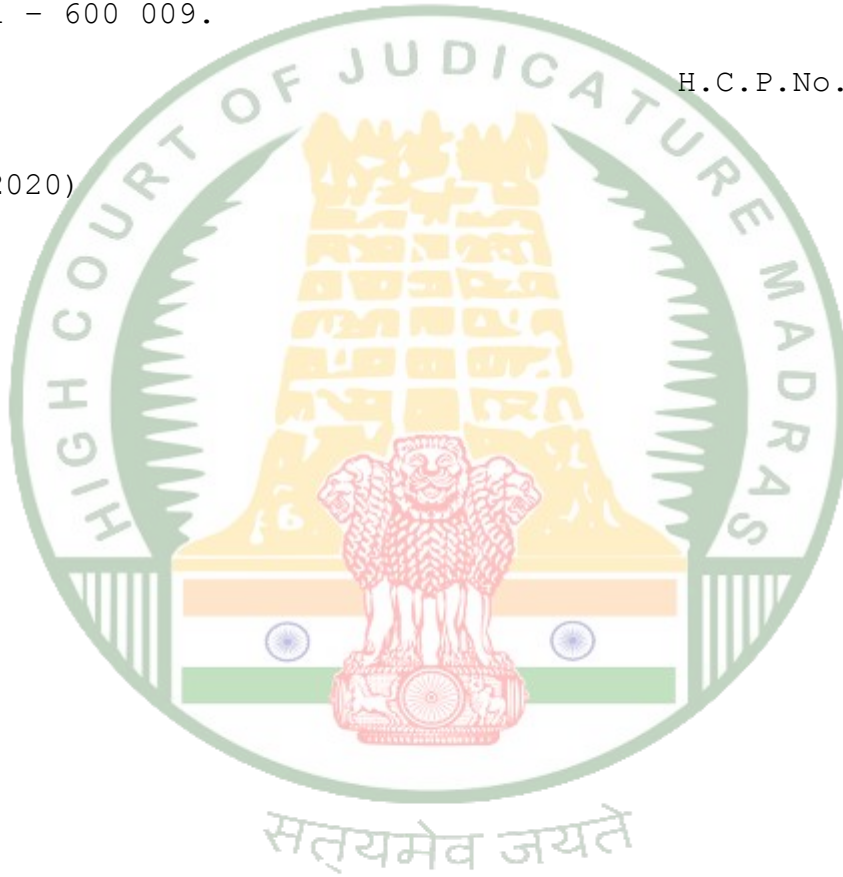
4.The Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai.

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

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

H.C.P.No.187 of 2020

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