

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2020

CORAM :

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

H.C.P.No.257 of 2020

Gowri

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep., by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department.,
Secretariat,
Fort St.George, Chennai - 9.

2. The Commissioner of Police,
Greater 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 in No.710/BCDFGISSSV/2019 dated 25.10.2019, on the file of the 2nd respondent and quash the same as illegal and thereby direct the respondents to produce the detenu namely Raja @ Vignesh Male, Hindu aged 23 years, before this Court, who is now detained in Special Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Mr.M.Rajinikanth.
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 Conference".

2.The Mother of the Detenu has filed this Petition challenging the Detention Order passed by the Second Respondent in No.710/BCDFGISSSV/2019 dated 25.10.2019 as he has got four adverse cases apart from ground case registered against him.

3. Heard Mr.M.Rajinikanth, 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 material documents such as seizure mahazars, confession statements, Statements recorded under Section 161 of Criminal Procedure Code, rough sketches relating to second and third adverse cases have not been supplied to the detenu in the booklet furnished to him 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 No.710/BCDFGISSSV/2019 dated 25.10.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Raja @ Vignesh Male, Hindu aged 23 years, who is now detained in Special 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(CS III)

//True Copy//

Sub Assistant Registrar

Assessment Year

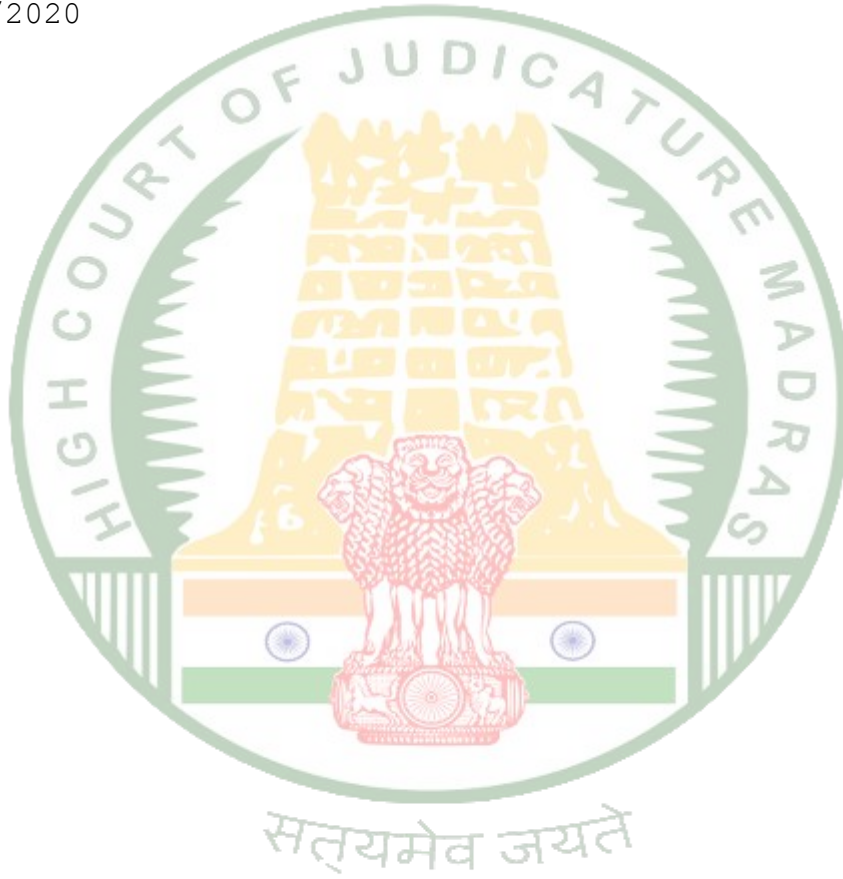
To

1. The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department.,
Secretariat,
Fort St.George, Chennai - 9.
2. The Commissioner of Police,
Greater Chennai.
3. The Superintendent of Prison,
Special Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

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

H.C.P.No.257 of 2020

PP (CO)
KKV/25/08/2020



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