

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM :

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

H.C.P.No.193 of 2020

Vijay Prathap

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. By its Additional Chief 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 04.12.2019 made in detention order Memo No.BCDFGISSSV/829/2019 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner is friend of detenu Rajesh Prithvi @ Dinesh @ Deenadhayalan @ Sriramaguru Deenadhayalan, S/o.Ramachandran, Hindu aged 29 years branded as Goonda and now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty forth.

For Petitioner : Mr.P.Sundara Rajan.

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 Petitioner who is the friend of the detenu has challenged the detention order passed against the detenu in Memo No.BCDFGISSSV/829/2019 dated 04.12.2019 by the Second

Respondent, by which the detenu has been branded as 'Goonda' as he has got an adverse case registered against him apart from the ground case.

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

4. It is evident from the records that the detenu is already having a case in Crime No.389 of 2019 registered against him for the offence under Sections 366, 419, 354, 365, 376 and 506 (i) of Indian Penal Code and the ground case is the case in which the detenu has tried to assault the Police, when he was sought to be arrested in the adverse case. Therefore, First Information Report has been registered in Crime No.634 of 2019 under Sections 294, 353, 336, 427, 307 and 506 (ii) of Indian Penal Code.

5. Further, though it is not stated in the grounds of detention, the learned Additional Public Prosecutor submitted that the detenu is facing seven cases registered against him including the adverse case and ground case. Out of the said seven cases, it was found that two cases are registered against him including the offence under Section 376 of Indian Penal Code. Though the learned Counsel for the Petitioner put forth various points, this Court is convinced that all the legal requirements have been complied with, while detaining the detenu under Goondas Act. Therefore, this Petition is dismissed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

सत्यमेव जयते

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To

1. The Additional Chief Secretary to Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Chennai 600 009.

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

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

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

H.C.P.No.193 of 2020

SPD (CO)
RMP (28/10/2020)



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