

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM :

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

H.C.P.No.213 of 2020

Vijaya

...Petitioner/Mother
of the detenue

Vs

1.State of Tamil Nadu,
Rep., by the Secretary,
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 relating to the detention order in Memo No.01/BCDFGISSSV/2020 dated 06.01.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Thiru Rajesh @ Dori Rajesh S/o.Krishnamurthy, aged about 31 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Thiru Rajesh @ Dori Rajesh S/o.Krishnamurthy, aged about 31 years, the detenu herein set him liberty.

For Petitioner : Mr.R.Muthukumar.
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 proceedings in Memo No.01/BCDFGISSSV/2020 dated 06.01.2020 as he has got three adverse cases apart from ground case registered against him for various offences.

3.Heard Mr.R.Muthukumar, 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 similar case's bail order referred in the grounds of detention occurring in Page Number 183 of the booklet, supplied to the detenu, 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 proceedings in Memo No.01/BCDFGISSSV/2020 dated 06.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Rajesh @ Dori Rajesh S/o.Krishnamurthy, aged about 31 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(AD I)MDU

//True Copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu,
Rep., by the Secretary,
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,
Central 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.213 of 2020

CA(CO)
KKV/19/08/2020



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