

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.210 of 2020

Maragatham

... Petitioner

Vs

1.State of Tamil Nadu,
Represented by its Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai 9.

2.The Commissioner of Police,
Commissioners Office,
Salem City, Salem.

3.The Inspector of Police,
Annadanapatty Police Station,
Salem District.

... 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 detention dated 18.01.2020 in detention order C.M.P.No.2/Goonda/Salem City/2020, on the file of the Second Respondent herein, and quash the same and direct the respondents herein to produce the body of the detenu Prakash @ N.S.Prakasah, S/o.Subramaniam, Hindu aged about 28 years who is now confined in Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.R.Thamarai Selvan.

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 C.M.P.No.2/Goonda/Salem City/2020 dated 18.01.2020 under Tamil Nadu Act 14 of 1982 as he has got three adverse cases apart from ground case registered against him for various offences.

3.Heard Mr.R.Thamarai Selvan, 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 intimation of arrest sent through SMS to the relatives of the detenu occurring in Page Number 126, has not been substantiated 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 C.M.P.No.2/Goonda/Salem City/2020 dated 18.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Prakash @ N.S.Prakasah, S/o.Subramaniam, Hindu aged about 28 years who is now confined in Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

1.State of Tamil Nadu,
Represented by its Secretary,
Prohibition and Excise Department,
Fort St.George,
Chennai 9.

2.The Commissioner of Police,
Commissioners Office,
Salem City, Salem.

3.The Inspector of Police,
Annadanapatty Police Station,
Salem District.

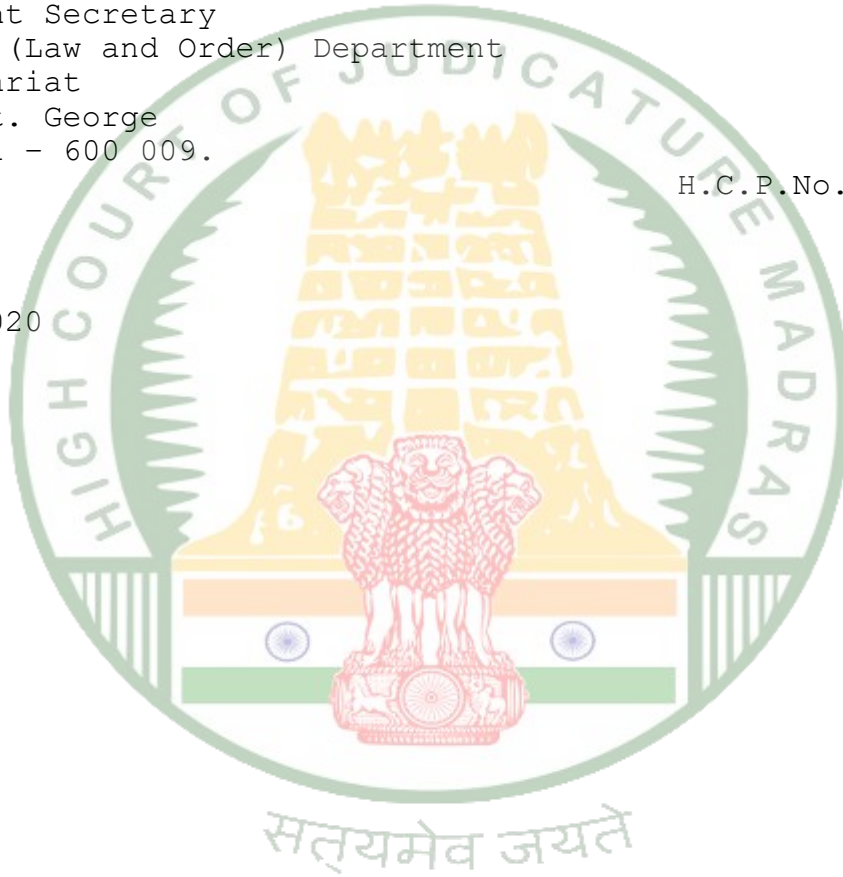
4.The Superintendent of Prisons,
Central Prison,
Salem.

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.210 of 2020

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