

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.209 of 2020

Bajila Mohammed Ali ... Petitioner/Mother of Detenu

Vs

1. The State of Tamil Nadu,
rep. by its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai 9.

2. The District Collector and District Magistrate,
Office of the District Collector,
Erode.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Habeas
Corpus, to produce the body of the detenu namely Sulaiman before
this Court and set him at liberty forthwith, by calling for the
records pertaining to the detention order dated 24.12.2019 made
in Cr.M.P.No.37/Goonda/2019/C1 passed by the 2nd respondent,
quash the same.

For Petitioner : Mr.Deepan Uday.

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 Cr.M.P.No.37/Goonda/2019/C1 dated 24.12.2019 under Tamil Nadu
Act 14 of 1982 as he has got two adverse cases apart from ground
case registered against him for various offences.

3.Heard Mr.Deepan Uday, 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 119, 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 Cr.M.P.No.37/Goonda/2019/C1 dated 24.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Sulaiman, S/o.Mohamed Ali, aged 21 years, who is confined at Central Prison, Coimbatore 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

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 9.
- 2.The District Collector and District Magistrate,
Office of the District Collector,
Erode.
- 3.The Superintendent of Prisons,
Central Prison,
Coimbatore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai.

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

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PVS (CO)
SP(19/08/2020)



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