

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2020

CORAM :

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

H.C.P.No.223 of 2020

Pousiya

...Petitioner

Vs

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2. The District Magistrate and District Collector,
Salem District,
Salem.

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

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records from the 2nd respondent in connection in with order C.M.P.No.52/GOONDA/C2/2019 dated 19.12.2019 in and quash the same and produce the petitioner's son namely Hakkim, S/o.Nainar Mohamed, aged 27 years, now confined in the Central Prison, Salem under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.P.Pugalenthii.

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 Conferencing".

2.The Mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in C.M.P.No.52/GOONDA/C2/2019 dated 19.12.2019 under Tamil Nadu Act 14 of 1982 as he has got three adverse cases and one ground case registered against him for various offences.

3.Heard Mr.P.Pugalthi, 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 no proof for having communicated the intimation of arrest to his mother occurring in Page Number 117 of the booklet, has been supplied to the detenu 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.52/GOONDA/C2/2019 dated 19.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Hakkim, S/o.Nainar Mohamed, aged 27 years, who is confined at Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(MD)

//True Copy//

Sub Assistant Registrar

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To

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2.The District Magistrate and District Collector,
Salem District,
Salem.

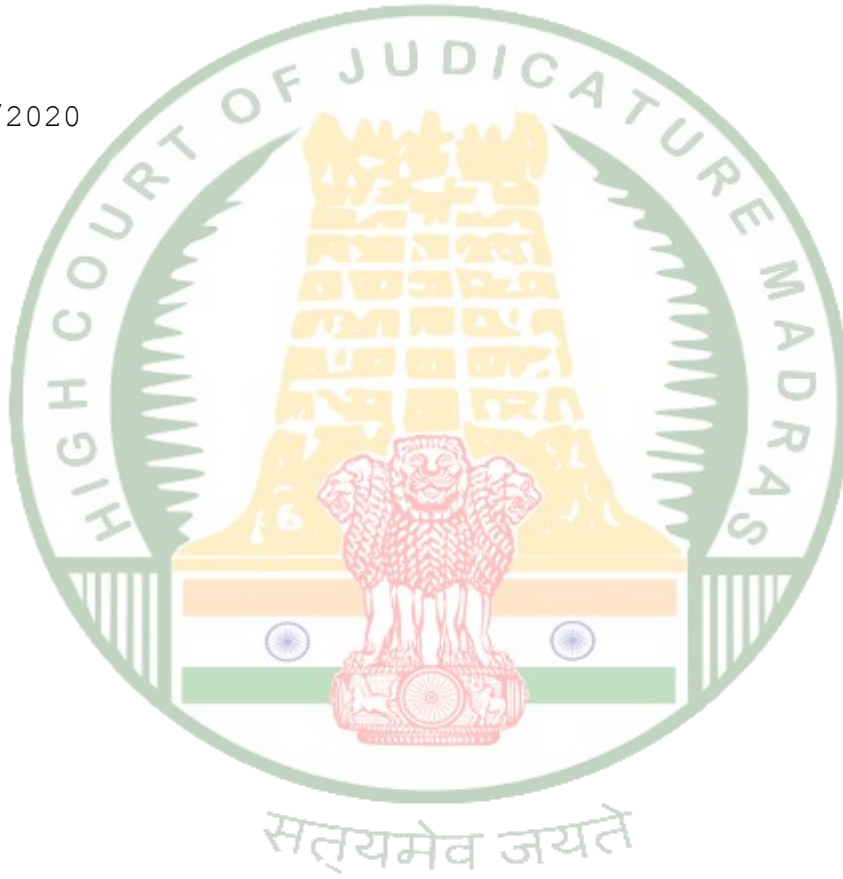
3.The Superintendent of Prisons,
Central Prison,
Salem.

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

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

H.C.P.No.223 of 2020

RLD(CO)
KKV/14/08/2020



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