

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2020

CORAM :

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

H.C.P.No.241 of 2020

Vanaroja

... Petitioner

Vs

1.The Secretary to Government,  
Home, Prohibition and Excise Department.,  
Secretariat,  
Chennai - 600 009.

2.Commissioner of Police,  
Greater Chennai.

... 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 in connection with the order of detention passed by the second respondent dated 09.11.2019 in Memo No.764/BCDFGISSSV/2019 against the petitioner's son Ranjith @ Ranjithkumar, male aged 31 years, S/o.Poiyathu, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel.

For Respondents: Mr.R.Prathap Kumar,  
Additional Public Prosecutor.

ORDER

(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 Memo No.764/BCDFGISSSV/2019 dated 09.11.2019 as he has got three adverse cases apart from ground case registered against him.

3.Heard Mr.S.Senthilvel, 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 the similar case referred in the detention order is not similar in nature 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 inMemo No.764/BCDFGISSSV/2019 dated 09.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Ranjith @ Ranjithkumar, male aged 31 years, S/o.Poiyathu 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 (CS-III-MDU)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,  
Home, Prohibition and Excise Department.,  
Secretariat,  
Chennai - 600 009.

2.Commissioner of Police,  
Greater Chennai.

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

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

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

H.C.P.No.241 of 2020

SSI (CO)  
GMY (20/08/2020)



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