

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM :

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

H.C.P.No.273 of 2020

Shanmugam

... Petitioner

Vs

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

2.The Commissioner of Police/Detaining Authority,
City Police Officer,
Huzur Road,
Coimbatore City,
Coimbatore - 18.

... 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 relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 07.01.2020 on the file of the second respondent herein made in proceedings Memo C.No.05/G/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the Petitioner's son namely S.Harikrishnan @ Kozhi Hari S/o.Shanmugam, aged 27 years before this Court and set the Petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi.

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 Father of the Detenu has filed this Petition challenging the Detention Order passed by the Second Respondent in proceedings Memo C.No.05/G/IS/2020 dated 07.01.2020, based on the ground case registered against him for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.W.Camyles Gandhi, 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 Post Mortem Certificate has not been properly translated and supplied to the detenu in the booklet furnished to him 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 Memo C.No.05/G/IS/2020 dated 07.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., S.Harikrishnan @ Kozhi Hari S/o.Shanmugam, aged 27 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.

Sd/-

Assistant Registrar (CS-I)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Police/Detaining Authority,
City Police Officer,
Huzur Road,
Coimbatore City,
Coimbatore - 18.

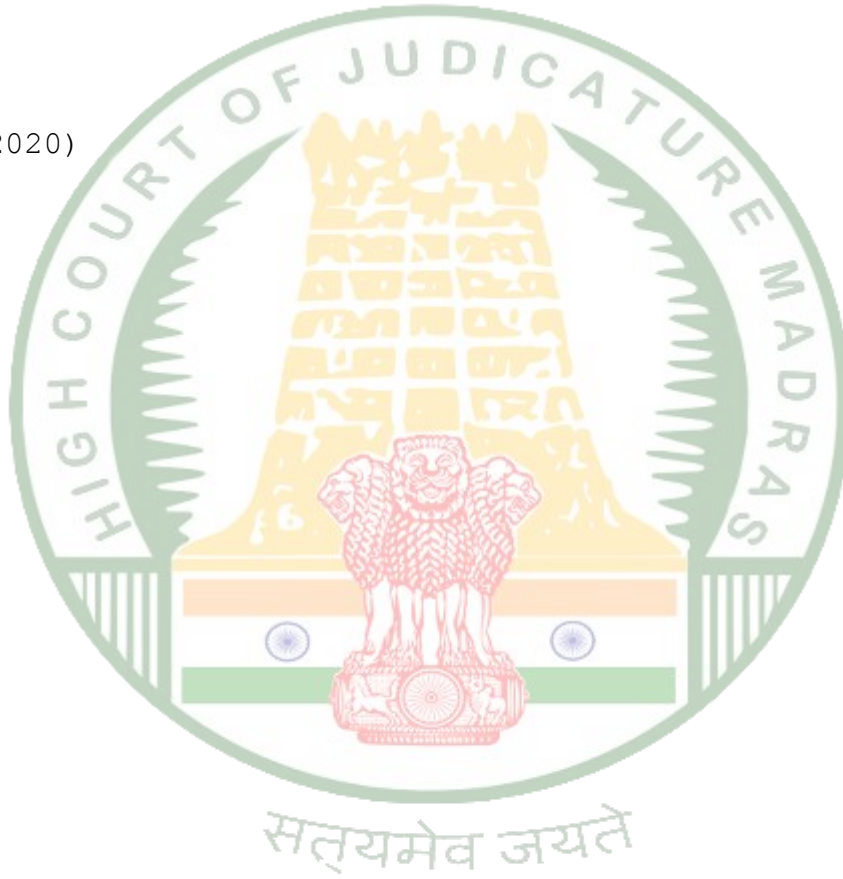
3.The Superintendent of Prison,
Central Prison,
Coimbatore.

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.273 of 2020

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