

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2020

CORAM :

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

H.C.P.No.272 of 2020

Anitha

... Petitioner

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.

2.District Collector & District Magistrate,
Vellore District,
Vellore - 9.

... 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 29.01.2020 in C3-D.O.No.11/2020 against the petitioner Son Santhosh @ Jinnu, Male aged 26 years S/o.Dhanapal who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji.

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 Petitioner who is the mother of the detenu has challenged the detention order passed against the detenu in C3-D.O.No.11/2020 dated 29.01.2020 by the Second Respondent as he has got three adverse cases registered against him apart from the ground case.

3.Heard Mr.D.Balaji, 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 a similar case referred in the grounds of detention 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 in C3-D.O.No.11/2020 dated 29.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Santhosh @ Jinnu, Male aged 26 years S/o.Dhanapal who is confined at Central Prison, Vellore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay
To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai 600 009.
- 2.District Collector & District Magistrate,
Vellore District,
Vellore - 9.
- 3.The Superintendent of Prison,
Central Prison,
Vellore.
- 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.

H.C.P.No.272 of 2020

SV(CO)
RMP(01/09/2020)