

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM :

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

H.C.P.No.280 of 2020

Ayyanar

... Petitioner/Brother of the detenue

Vs

State Rep. By:

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariate,
Fort St.George,
Chennai - 9.

2.The Commissioner of Police,
Salem City,
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 records in C.M.P.No.64/Goonda/Salem City/2019 dated 31.12.2019 on the file of the Commissioner of Police, Salem City, Salem and quash the same as illegal and direct the respondent to produce the detenu Thiru Ayyandurai S/o.Balakrishnan aged about 28 years now confined at Central Prison, Salem and set him at liberty.

For Petitioner : Mr.S.Rajanikanth.

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 Brother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent

in C.M.P.No.64/Goonda/Salem City/2019 dated 31.12.2019 under Tamil Nadu Act 14 of 1982 as he has got four adverse cases apart from the ground case registered against him.

3.Heard Mr.S.Rajanikanth, 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 to the uncle of the detenu occurring in Page Number 134 of the booklet 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 C.M.P.No.64/Goonda/Salem City/2019 dated 31.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Ayyandurai S/o.Balakrishnan aged about 28 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 (CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariate,
Fort St.George,
Chennai - 9.

2.The Commissioner of Police,
Salem City,
Salem.

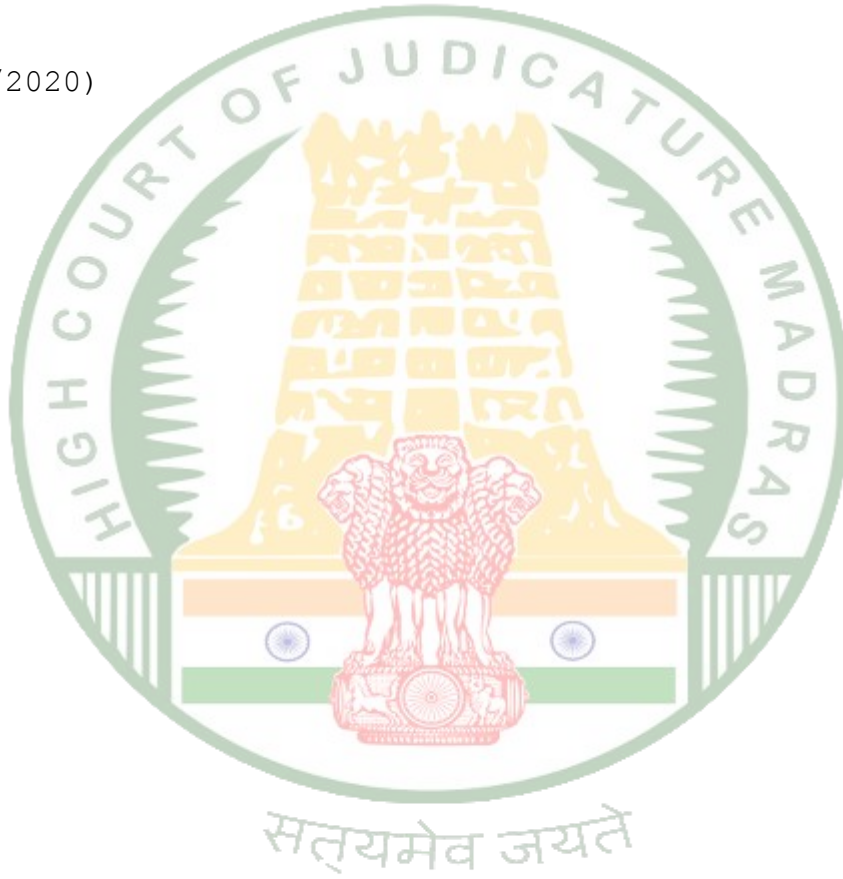
3.The Superintendent of Prisons,
Central Prison,
Salem.

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.280 of 2020

RSK(CO)
GMY(28/08/2020)



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