

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.268 of 2020

Manjula

...Petitioner

Vs

1. The State of Tamil Nadu,
represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.

2. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 7.

...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 of the detention made in Memo No.27/B.C.D.F.G.I.S.S.S.V./2020 dated 21.01.2020 passed by the Commissioner of Police, Greater Chennai Police, Vepery, Chennai - 7 the second respondent herein and set aside the same and direct the respondents to produce the detenu before this Court and set the detenu Thiru Mahendran, son of Rajendran aged 35 years now confined in Central Prison, Puzhal - II, Chennai and set him at liberty.

For Petitioner : Mr.R.Balakrishnan.

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

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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 wife of the detenu has challenged the detention order passed against the detenu in Memo No.27/B.C.D.F.G.I.S.S.S.V./2020 dated 21.01.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of the Tamil Nadu Act 14 of 1982.

3.Heard Mr.R.Balakrishnan, 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's remand order referred in the grounds of detention occurring in Page Number 297 of the booklet, supplied to the detenu is illegible and further, similar case referred in the grounds of detention is not similar in nature as Section 392 of Indian Penal Code which is included in the ground case is not present in the referred similar case. Hence, the same vitiates the detention order and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.27/B.C.D.F.G.I.S.S.V./2020 dated 21.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Mahendran, son of Rajendran aged 35 years now confined in Central Prison, Puzhal - II, Chennai is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(CS I)

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Sub Assistant Registrar

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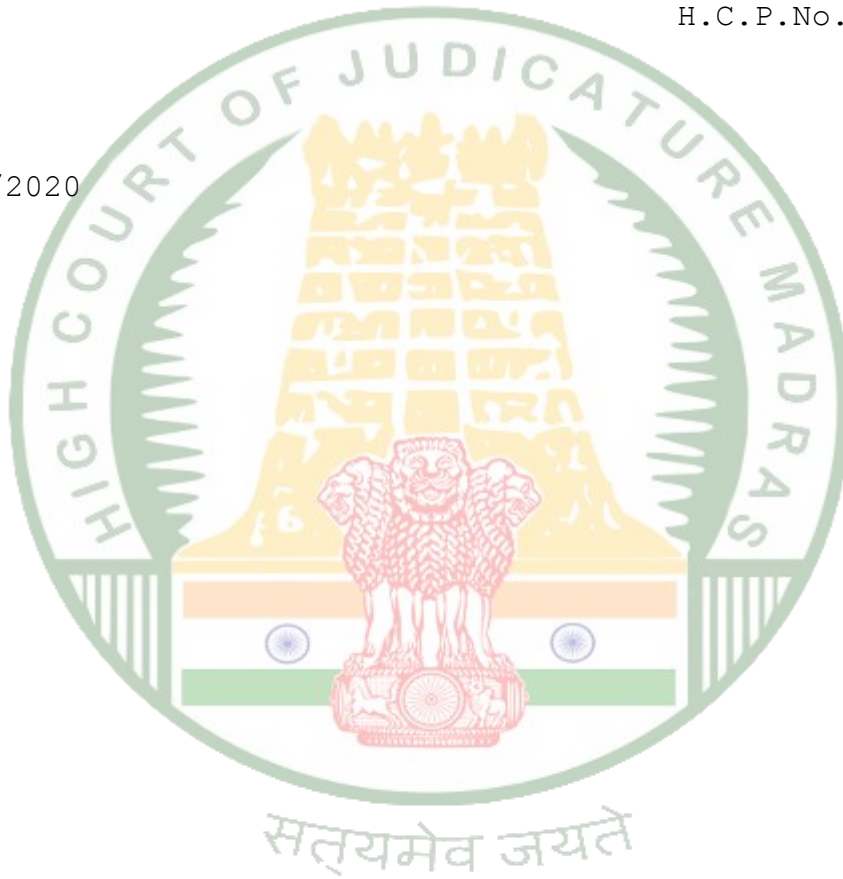
- 1.The State of Tamil Nadu,
represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 9.
- 2.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 7.
- 3.The Superintendent of Prison,
Central Prison, Puzhal - II,
Chennai.
(Induplicate for Communication to the Detenue)

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.268 of 2020

RSK(CO)
KKV/04/09/2020



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