

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2020

CORAM :

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

H.C.P.No.305 of 2020

Mariammal

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. By the Secretary, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007

... 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 relating to the detention order in Memo No.31/BCDFGISSSV/2020 dated 22.01.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's husband Thiru Mohamed Irshath S/o.Rahamathullah, aged about 29 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Thiru Mohamed Irshath S/o.Rahamathullah, aged about 29 years the detenu herein at liberty.

For Petitioner : Mr.R.Muthu Kumar.

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 Wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo No.31/BCDFGISSSV/2020 dated 22.01.2020 under Goondas Act as the detenu has got two adverse cases registered against him apart from the ground case.

3.Heard Mr.R.Muthu Kumar, 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 relatives of the detenu occurring in Page Number 181 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 Memo No.31/BCDFGISSSV/2020 dated 22.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru Mohamed Irshath S/o.Rahamathullah, aged about 29 years, 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

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary, Home,
Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600 007.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 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.305 of 2020

SV(CO)

RMP(31/08/2020)