

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.321 of 2020

Lakshmi

...Petitioner

Vs

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

2.Commissioner of Police,
Greater Chennai.

...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 dated 07.12.2019 in Memo No.842/BCDFGISSSV/2019 against the petitioner Husband Aravindan,male aged 26 years, S/o.Veerappan, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel.
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 wife of the detenu has challenged the detention order passed against the detenu in Memo No.842/BCDFGISSSV/2019 dated 07.12.2019 by the Second Respondent based on the ground case registered against him for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.S.Senthilvel, 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 case referred in the grounds of detention is not similar in nature and Page Number 287 of the booklet which was supplied to the detenu is illegible 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 Memo No.842/BCDFGISSSV/2019 dated 07.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Aravindan,male aged 26 years, S/o.Veerappan, 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(CO)

//True Copy//

Sub Assistant Registrar

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To

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

2.Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

4.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.321 of 2020

MG (CO)
KKV/02/09/2020



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