

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
H.C.P.No.320 of 2020

A.Guna

... Petitioner

Vs

1. The Secretary to the Government
Home Prohibition and Excise Department
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 to call for the records in connection with the order of detention passed by the second respondent dated 25.10.2019 in Memo No.708/BCDFGISSSV/2019 against the petitioner Sister Son Naresh Kumar, male aged 22 years, S/o.Babu, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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

सतयमेव जयते
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 aunt of the detenu has challenged the detention order passed against the detenu in Memo No.708/BCDFGISSSV/2019 dated 25.10.2019 by the Second Respondent, terming him as 'Drug Offender' under Section 2 (e) of Tamil Nadu Act 14 of 1982 based on the adverse case registered against him.

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 doctor's report of forensic medicine referred in the grounds of detention occurring in Page Number 94 of the booklet 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.708/BCDFGISSSV/2019 dated 25.10.2019 is quashed and this Habeas Corpus Petition is allowed. The detenu viz., Naresh Kumar, male aged 22 years, S/o.Babu, now 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

To

1. The Secretary to the Government
Home Prohibition and Excise Department
Secretariat, Chennai 600 009.
2. Commissioner of Police,
Greater Chennai.
3. The Superintendent,
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.320 of 2020

RK (CO)
RV (11/09/2020)