



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM :

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

H.C.P.No.331 of 2020

Karpagam ... Petitioner/Sister of the Detenue
Vs

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

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery,
Chennai - 600007.

... Respondents/Complainant

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, calling for the entire records connected with the detention order of the 2nd respondent in No.808/BCDFGISSSV/2019 dated 26.11.2019 and quash the same and direct the respondents to produce the body and person of Petitioner's brother namely Nagaraj son of Chandran aged about 25 years detained in Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.B.M.Santharam.

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 Conferencing".

2.The sister of the detenu has filed this petition challenging the detention order passed by the second respondent against the detenu in No.808/BCDFGISSSV/2019 dated 26.11.2019, branding him as 'GOONDA' as there are four adverse cases pending against him.

3.Heard Mr.B.M.Santharam learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is evident from the records that the detenu was arrested on 05.09.2019 whereas the detention order was passed only on 26.11.2019 and there is a delay in passing the detention order. Hence, the same vitiates the detention order passed by the detaining authorities and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the second respondent in No.808/BCDFGISSSV/2019 dated 26.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Nagaraj son of Chandran aged about 25 years, who is detained 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(CS VI)

//True Copy//

Sub Assistant Registrar

To

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



- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police (Goondas Section),
Vepery, Chennai - 600007.
- 3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
- 4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 5.The Director General of Police,
TamilNadu, Mylapore, Chennai-4.
- 6.The Additional Director General of Police,
Prisons, Egmore, Chennai-8.
- 7.The Additional Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.331 of 2020

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