

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.344 of 2020

Renuka Devi

...Petitioner

Vs

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

2.District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.

...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 25.01.2020 in Memo No.03/BCDFGISSSV/2020 against the petitioner husband Emba Arun @ Arun Kumar, male aged 33 years, S/o.Kamalakannan, 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.

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.03/BCDFGISSSV/2020 dated 25.01.2020 under the Tamil Nadu Act 14 of 1982 as he has got two adverse cases, apart from ground 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 there was a delay in passing the Detention Order. Though the Detenu was arrested on 19.12.2019, the Detention Order was passed only on 25.01.2020 and 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.03/BCDFGISSSV/2020 dated 25.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz.,Emba Arun @ Arun Kumar, male aged 33 years, S/o.Kamalakannan, 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.District Collector and District Magistrate,
Kancheepuram District,
Kancheepuram.
- 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.344 of 2020

SAI (CO)
KKV/02/09/2020



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