

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM :

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

H.C.P.No.348 of 2020

Yasodha, Female, aged 45 years
W/o.Dhandapani
14th Street, Periyar nagar,
Urapakkam,
Kancheepuram District.

... Petitioner/
Mother of the detainee

Vs

1. The State of Tamil Nadu
Represented by Secretary to Government
Prohibition and Excise Department
Fort St. George
Chennai-600 009.
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
(Goondas Section)
Vepery, Chennai-600007.

... Respondents

PRAYER : This Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus, to call for the records relating to the detention order dated 18.12.2019 passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.878 of 2019, quash the same and direct the respondents herein to produce the petitioner's son Mottai Thamizh @ Thamizharasan, son of Dhandapani, aged 25 years, 14th street, Periyar nagar, Urapakkam, Kancheepuram District, who is presently under going detention in the Central Prison, Puzhal, before this Court and set him at liberty forthwith.

For Petitioner : Mr.Rajprabhu
for M.Murali

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 mother of the detenu has filed this Petition challenging the detention order passed by the second respondent in B.C.D.F.G.I.S.S.S.V.No.878 of 2019 dated 18.12.2019, as the detenu has got four adverse cases apart from ground case.

3.Heard Mr.Raj Prabhu, representing Mr.M.Murali, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4. Documents supplied to the detenu reveals that illegible document has been enclosed at Page No.316 of the booklet which vitiates the detention order and therefore the detention order is liable to be set aside and this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in B.C.D.F.G.I.S.S.S.V.No.878 of 2019 dated 18.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Mottai Thamizh @ Thamizharasan, son of Dhandapani, aged 25 years, who is presently under going detention in the Central Prison, Puzhal, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kj

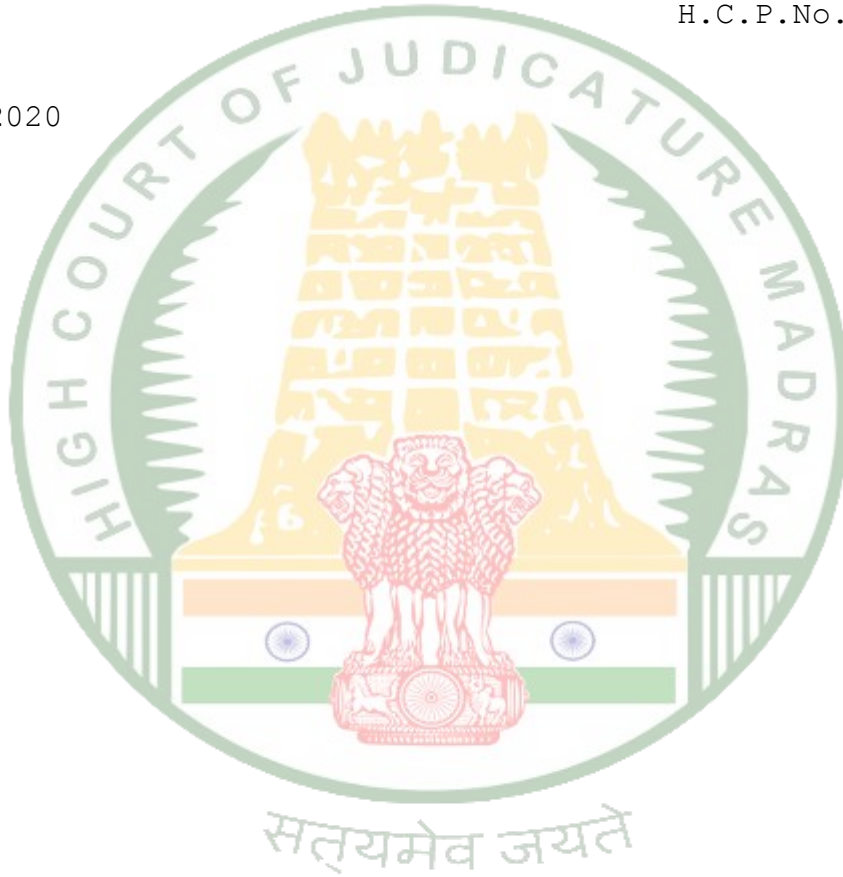
To

1. The State of Tamil Nadu
Represented by Secretary to Government
Prohibition and Excise Department
Fort St.George, Chennai-600 009.
2. The Commissioner of Police
Greater Chennai
Office of the Commissioner of Police
(Goondas Section), Vepery, Chennai-600 007.

3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George, Chennai
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.348 of 2020

RLD(CO)
CS/30/07/2020



WEB COPY