

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2020

CORAM :

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

H.C.P.No.377 of 2020

Saroja ... Petitioner/Mother of Detenue

Vs

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Dept.,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, 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 entire records connected with the order of the second respondent herein concerned in No.52/BCDFGISSSV/2020 dated 29.01.2020 and quash the order of detention passed therein by the second respondent herein against the detenu and consequently directing the respondents herein to produce the body and person of the detenu Muthukumaran, aged about 39 years, S/o.Elumalai now detained at Central Prison, Puzhal, Chennai before this Court and setting him at liberty forthwith.

For Petitioner : Mr.S.Sasikumar.

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 Petitioner who is the mother of the detenu has challenged the detention order passed against the detenu in No.52/BCDFGISSSV/2020 dated 29.01.2020 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.Sasikumar, 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 a similar case's confession statements referred in the grounds of detention occurring in Page Numbers 93 to 96 of the booklet, 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 No.52/BCDFGISSSV/2020 dated 29.01.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz.,Muthukumaran, aged about 39 years, S/o.Elumalai, 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(CS-VI)

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सत्यमेव जयते
Sub Assistant Registrar

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To

1.The Secretary to the Government,
Government of Tamil Nadu,
(Home) Prohibition and Excise Dept.,
Fort St.George,
Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

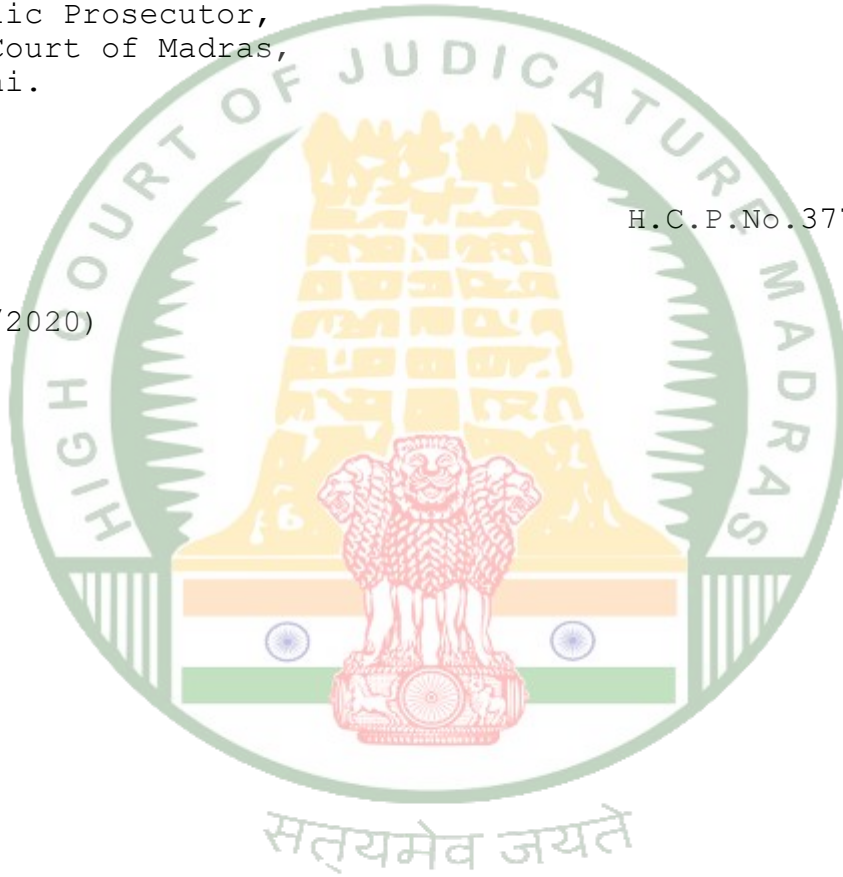
3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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.377 of 2020

NRJK (CO)
GMY (04/09/2020)



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