

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM :

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

H.C.P.No.371 of 2020

Vijayalakshmi ... Petitioner/Wife of the Detenu

Vs

1.State of Tamil Nadu,
Rep. By the Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai.

2.The Commissioner of Police,
The Greater Chennai City,
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 records relating to the detention order in Memo No.854/BCDFGISSSV/2019, dated 11.12.2019 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the Petitioner's husband Baskar @ Yamaha Baskar S/o.Murthy aged about 43 years, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the Petitioner's husband Baskar @ Yamaha Baskar S/o.Murthy aged about 43 years the detenu herein at liberty.

For Petitioner : Mr.M.Kaveri Selvam.

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 Conference".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in Memo

No.854/BCDFGISSSV/2019, dated 11.12.2019 by the Second Respondent as he has got three adverse cases registered against him apart from the ground case.

3.Heard Mr.M.Kaveri Selvam, 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 remand order and remand extension order referred in the grounds of detention occurring in Page Numbers 76 to 81 of the booklet, have not been properly translated and supplied to the detenu 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.854/BCDFGISSSV/2019 dated 11.12.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Baskar @ Yamaha Baskar S/o.Murthy aged about 43 years, 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)

//True copy//

Sub Assistant Registrar

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To

1.State of Tamil Nadu,
Rep. By the Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai.

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

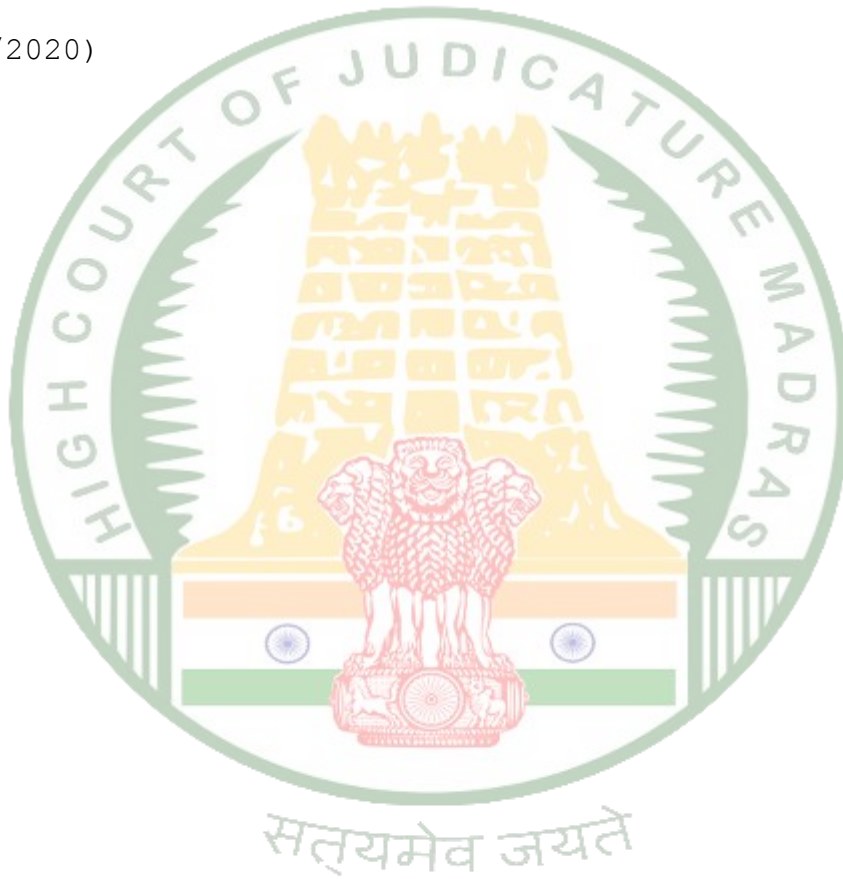
3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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.371 of 2020

SSI (CO)
GMY (28/08/2020)



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