

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM :

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

H.C.P.No.387 of 2020

Ajith Kumar

... Petitioner/  
Brother of the Detenu

Vs

1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Fort St.George,  
Chennai 600 009.

2.The Commissioner of Police/Detaining Authority,  
City Police office, Huzur Road,  
Coimbatore City,  
Coimbatore - 18.

... 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 relating to the petitioner's brother detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 06.02.2020 on the file of the second respondent herein made in proceedings Memo C.No.21/G/IS/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's brother namely K.Karthick, S/o.Kuppusamy, aged 19 years before this Court and set the petitioner's brother at liberty from detention, now the petitioner's brother detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi.

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 brother of the detenu has challenged the detention order passed against the detenu in

proceedings Memo C.No.21/G/IS/2020 dated 06.02.2020 by the Second Respondent based on the ground case registered against him for the offence under Section 307 of Indian Penal Code.

3.Heard Mr.W.Camyles Gandhi, 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 referred in the grounds of detention is not similar in nature as Section 341 of Indian Penal Code which is included in the ground case is not present in the referred similar case 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 proceedings Memo C.No.21/G/IS/2020 dated 06.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., K.Karthick, S/o.Kuppusamy, aged 19 years, who is confined at Central Prison, Coimbatore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,  
Home, Prohibition and Excise Department,  
Secretariat,  
Fort St.George,  
Chennai 600 009.
- 2.The Commissioner of Police/Detaining Authority,  
City Police office, Huzur Road,  
Coimbatore City,  
Coimbatore - 18.
- 3.The Superintendent of Prison,  
Central Prison,  
Coimbatore.
- 4.The Public Prosecutor,  
High Court of Madras,  
Chennai.

5.The Joint Secretary  
Public (Law and Order) Department  
Secretariat  
Fort St.George  
Chennai - 600 009.

H.C.P.No.387 of 2020

VBA (CO)  
RMP (04/09/2020)



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