

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2020

CORAM :

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

H.C.P.No.418 of 2020

Pradeep Kumar

... Petitioner/Son of Detenu

Vs

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department.,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Villupuram District,
Villupuram.

... 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 2nd respondent herein in Rc.No.C2/2396/2020, dated 05.02.2020 against the detenu namely Elumalai son of Krishnan, aged about 55 years, who is confined at Central Prison, Cuddalore, and set aside the same, Consequently, directing the respondents herein to produce the body and person of the detenu before this Hon'ble Court and set him at liberty forthwith.

For Petitioner : Mr.K.Balu.

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.This matter has been taken up for final hearing, taking into consideration the medical report of the Detenu issued by the Prison Doctor dated 14.07.2020. Moreover, date for final

hearing has been fixed on 13.07.2020 by the earlier Bench consisting of Hon'ble Mr.Justice M.M.Sundresh and Hon'ble Mr.Justice D.Krishnakumar by order dated 29.06.2020.

3.The Son of the Detenu has filed this Petition challenging the Detention Order passed against his Father by the Second Respondent in Rc.No.C2/2396/2020 dated 05.02.2020 as the Detenu has got a solitary case of sand theft.

4.Heard Mr.K.Balu, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

5.On perusal of the records, it is evident that there is no proof regarding the arrest intimation sent through SMS, as to whether the information has reached or served upon the relatives of the detenu and the same vitiates the detention Order and this Petition has to be necessarily allowed.

6.Accordingly, the detention order passed by the Second Respondent in Rc.No.C2/2396/2020 dated 05.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Elumalai son of Krishnan, aged about 55 years, who is confined at Central Prison, Cuddalore 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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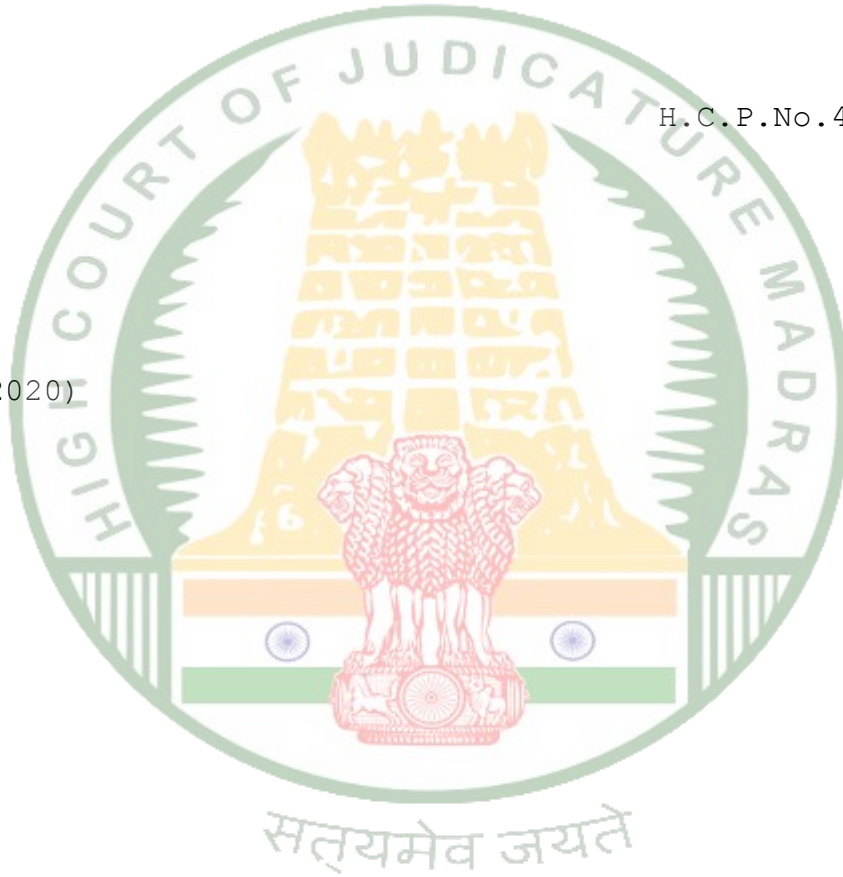
To

1. The Secretary to the Government,
Government of Tamil Nadu,
(Home), Prohibition and Excise Department.,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Villupuram District,
Villupuram.

3. The Superintendent of Prison,
Central Prison,
Cuddalore.
4. The Joint Secretary to Govt,
Public (Law & Order)
Fort St.George,
Chennai-9
5. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.418 of 2020

NR (CO)
GS (30/07/2020)



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