

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.447 of 2020

Geetha

... Petitioner

Vs

1.The State of Tamil Nadu

rep.by its Secretary to Government, (Home)
Prohibition and Excise Department,
Secretariat, Chennai-9

2.The District Collector and District Magistrate,
Erode District.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus directing the respondents to produce the body of the petitioner's son namely Sabari Sidhardh, aged about 23 years, who is detained in Central Prison, Coimbatore, before this Court and set him at liberty forthwith by calling for the records pursuant to the detention order made in CrI.M.P.No.04/Goonda/2020/C1 dated 03.02.2020 branded him as Goonda on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.M.Karthik

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 mother of the detenu has challenged the detention order passed against the detenu in Cr.M.P.No.04/Goonda/2020/C1 dated 03.02.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of Tamil Nadu Act 14 of 1982 based on the ground case registered against him for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.M.Karthik, 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 there was a delay in passing the Detention Order. Though the Detenu was arrested on 15.12.2019, the Detention Order was passed only on 03.02.2020 and the same vitiates, the detention order. Further, there is no proof for having intimated the arrest of the detenu to his close relatives or friends. Hence, this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Cr.M.P.No.04/Goonda/2020/C1 dated 03.02.2020 is quashed and this Habeas Corpus Petition is allowed. The detenu viz., Sabari Sidhardh, aged about 23 years, who is detained in 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 (CS-III)

//True copy//

Sub Assistant Registrar

ay

To

- 1.The Secretary, (Home)
Prohibition and Excise Department,
Secretariat, Chennai-9
- 2.The District Collector and District Magistrate,
Erode District.
3. The Superintendent,
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.447 of 2020

RK(CO)
GMY(11/09/2020)



WEB COPY