

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.445 of 2020

Andal

... Petitioner

Vs

1.The State of Tamil Nadu
rep.by its Secretary, Home
Prohibition and Excise Department,
Fort St.George, Chennai.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai 600 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to call for the records relating to the detention order in Memo BCDFGISSSV No.20/2020 dated 14.01.2020 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 Dhanasekar S/o Masilamani aged about 24 years the detinue, now confined in Central Prison Puzhal, Chennai before this Court and set the petitioner's husband Dhanasekar S/o Masilamani aged about 24 years the detinue herein at liberty.

For Petitioner : Mr.R.Karthick Sevugapperumal

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 BCDEGISVV No.20/2020 dated 14.01.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of Tamil Nadu Act 14 of 1982.

3.Heard Mr.R.Karthick Sevugapperumal, 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 the similar case's form 91 referred in the grounds of detention occurring in Page Number 547 of the booklet is illegible 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 BCDEGISVV No.20/2020 dated 14.01.2020 is quashed and this Habeas Corpus Petition is allowed. The detenu viz., Dhanasekar S/o Masilamani aged about 24 years the detenue, now confined in 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

//True Copy//

Sub Assistant Registrar

To

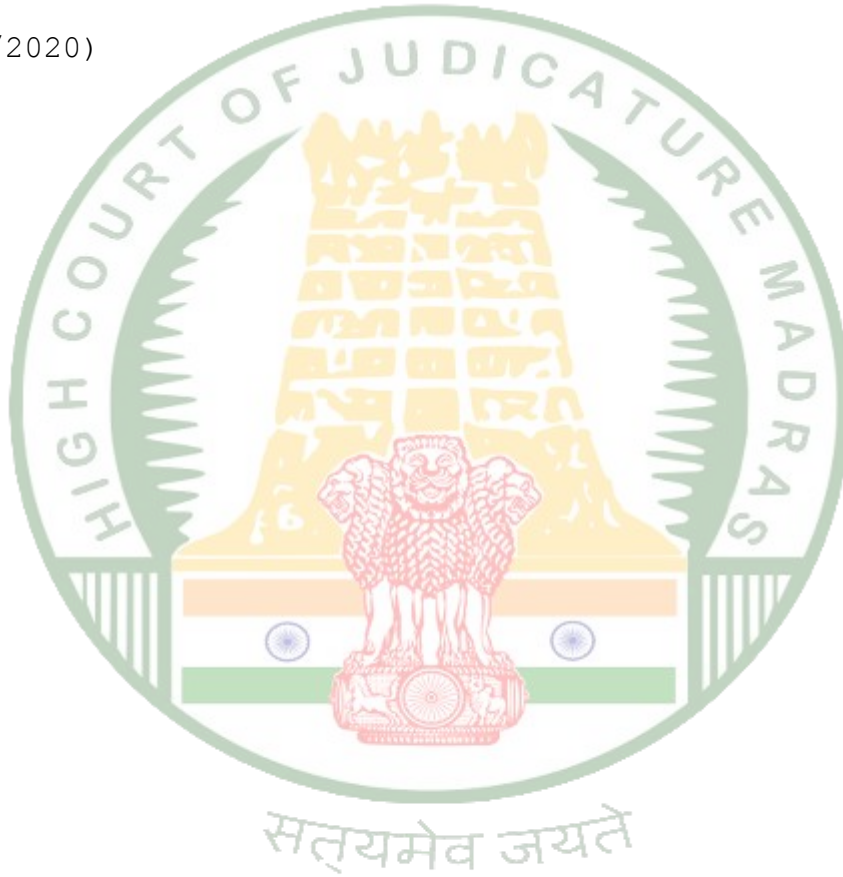
1. The Secretary, Home
Prohibition and Excise Department,
Fort St.George, Chennai.
2. The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai 600 007.
3. The Superintendent,
Central Prison, Puzhal,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

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

+1cc to Mr.R.Karthick Sevugaperumal, Advocate in Sr.29609

H.C.P.No.445 of 2020

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



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