

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
H.C.P.No.473 of 2020

A.Adilakshmi

... Petitioner

Vs

1.State of Tamil Nadu represented
By Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai - 600 009.

2.The District Collector and District Magistrate
of Ranipet District, Ranipet.

... 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 passed by the second respondent pertaining to the order made in B3/D.O.No.11/2020 dated 05.02.2020 in detain the detenu under 2 (b) of Tamil Nadu Act 14 of 1982 as a Goonda, and quash the same and direct the respondent to produce the detenu Selvaraj @ Mothan S/o Chinnaiyan, aged about 37 years, who is detained at Central Prison, Vellore before this Court and set him at liberty.

For Petitioner : Mr.C.Nirmal Krishnan

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.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in B3/D.O.No.11/2020 dated 05.02.2020 by the Second Respondent based on the ground case registered against him for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.C.Nirmal Krishnan, 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 ground case's Form 91 referred in the grounds of detention occurring in Page Number 69 of the booklet supplied to the detenu, is illegible 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 B3/D.O.No.11/2020 dated 05.02.2020 is quashed and this Habeas Corpus Petition is allowed. The detenu viz., Selvaraj @ Mothan S/o Chinnaiyan, aged about 37 years, who is detained at Central Prison, Vellore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St.George,Chennai - 600 009.

2.The District Collector and District Magistrate
of Ranipet District, Ranipet.

3.The Superintendent,
Central Prison, Vellore.

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.473 of 2020

A.SK(29/09/2020)