

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM :

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

H.C.P. No. 780 of 2020

B. Geetha, F/A. 30 years (Wife of Detenu),
W/o. Baskar,
No.1217, J J Nagar,
Korukkupet, Washermanpet,
Chennai.

... Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
2. The Secretary to Government,
Co-operation, Food & Consumer Protection Department,
Chennai 600 009.
3. The Director General of Police,
Tamil Nadu, Chennai 600 004.
4. The Additional Director General of Police,
Prisons, Chennai 600 008.
5. The Superintendent,
Central Prison,
Chennai 600 066.
6. The Inspector of Police,
Civil Supplies, CID,
Chennai.

... 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 of the 1st respondent herein concerned in Memo No.02/Black Marketing Act/2020 dated 20.02.2020 and set aside the order of detention passed therein against the detenu by namely Baskar Hindu aged about 44 years, who is the husband of the petitioner herein, quashing the same

and setting him at liberty, now detained now in Central Prison, Puzhal, Chennai.

For Petitioner : Mr. S. Suresh

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 is heard through "Video Conferencing".

2. This petition has been filed by the wife of the detenu viz., Baskar, aged about 44 years, challenging the detention order passed by the first respondent against the detenu in Memo No.02/Black Marketing Act/2020 dated 20.02.2020.

3. Heard Mr.S.Suresh, learned counsel appearing on behalf of the petitioner as well as Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing on behalf of the respondents.

4. On going through the records, it is revealed that the communication with regard to the arrest sent through S.M.S. to the mother-in-law of the detenu has not been proved by producing any electronic evidence, which vitiates the detention order and this petition has to be necessarily allowed.

5. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the first respondent in Memo No.02/Black Marketing Act/2020 dated 20.02.2020 is hereby set aside. The detenu viz., Baskar, aged 44 years, who is now confined at 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

gsa

To

1. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
2. The Secretary to Government,
Co-operation, Food & Consumer Protection Department,
Chennai 600 009.
3. The Director General of Police,
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Prisons, Chennai 600 008.
5. The Superintendent,
Central Prison, Puzhal,
Chennai 600 066.
6. The Inspector of Police,
Civil Supplies, CID,
Chennai.
7. The Joint Secretary,
Public Law & Order Dept,
Fort St. George, Chennai.
8. The Public Prosecutor,
Madras High Court.

H.C.P. No. 780 of 2020

LN(CO)
GS(05/08/2020)

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