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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2020

CORAM :

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

H.C.P.No.976 of 2020
and
Crl.M.P.No.4422 of 2020

P.Devaki

... Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep.by The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Tamil Nadu Government Chief Secretariat,
Fort St.George, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Krishnagiri,
Krishnagiri District.
- 3.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 4.The Superintendent of Central Prison,
Central Prison,
Salem.
- 5.The Inspector of Police,
Pochampalli Police Station,
Pochampalli,
Krishnagiri District.

... 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 relating to impugned detention order in S.C.No.14/2020/C1 dated 17.02.2020 passed by the 2nd Respondent herein and quash the same and direct the respondents to produce the body or person of the petitioner's husband T.Periyannan son of Tirupati, Hindu aged about 40 years, remanded as Goonda and now confined in the Central Prison, Salem, Salem District before this Court and set him at liberty forthwith.



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For Petitioner : Mr.D.Jagadeesan.

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". Though the Miscellaneous Petition has been listed today, the main Petition itself is taken up for final hearing.

2.This Petition has been filed challenging the detention order passed against the Petitioner's husband by the second respondent in S.C.No.14/2020/C1 dated 17.02.2020, branding him as 'GOONDA' as there were three adverse cases apart from the ground case, are pending against him.

3.Heard Mr.D.Jagadeesan, 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 detenu was arrested on 11.01.2020 whereas the detention order was passed only on 17.02.2020. Hence, there is a delay in passing the detention order. In view of that, the detention order is vitiated and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the second respondent in S.C.No.14/2020/C1 dated 17.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., T.Periyannan son of Tirupati, Hindu aged about 40 years, who is detained at Central Prison, Salem is directed to be set at liberty forthwith unless his presence is required in connection with any other case. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III-MDU)

//True copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Tamil Nadu Government Chief Secretariat,
Fort St.George, Chennai - 600 009.
2. The District Collector and District Magistrate,
Krishnagiri,
Krishnagiri District.
3. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
4. The Superintendent of Central Prison,
Central Prison,
Salem.
5. The Joint Secretary to Government,
Public (Law & Order) Department,
Fort St.George, Chennai - 600 009.
6. The Inspector of Police,
Pochampalli Police Station,
Pochampalli,
Krishnagiri District.
7. The Additional Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.976 of 2020
and
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SSI (CO)
GMY (13/07/2020)