

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.993 of 2020

Mr.A.Vincent

... Petitioner/Detenue brother

Vs

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

2.The District Magistrate and District Collector,
Namakkal Collector Building,
Namakkal District.

3.The Inspector of Police,
Namagiripettai Police Station,
Rasipuram, Namakkal District.

4.Superintendent of Police,
Namakkal Tirchy Road,
Near Collectorate Office,
Namakkal - 637003.

5.Superintendent of Prison,
Office of the Superintendent of Prisons,
Central Prison, Salem.

... 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 detention made in Memo C.M.P.No.24/Goondas/2019/M1 dated 07.11.2019 passed by the Collector, Namakkal District, the second respondent herein and set aside the same and direct the respondents to produce the petitioner's brother Sambar Prakash @ Devan Prakash male aged

about 26 years now confined at Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.P.S.Muralidhara Rao.

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 Brother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo C.M.P.No.24/Goondas/2019/M1 dated 07.11.2019 under the Tamil Nadu Act 14 of 1982 as he has got four adverse cases, apart from ground case registered against him.

3.Heard Mr.P.S.Muralidhara Rao, 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 27.07.2019, the Detention Order was passed only on 07.11.2019 and the same vitiates, the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo C.M.P.No.24/Goondas/2019/M1 dated 07.11.2019 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Sambar Prakash @ Devan Prakash male aged about 26 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The State of Tamil Nadu,
The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Namakkal Collector Building,
Namakkal District.

3.The Inspector of Police,
Namagiripettai Police Station,
Rasipuram, Namakkal District.

4.Superintendent of Police,
Namakkal Tirchy Road,
Near Collectorate Office,
Namakkal - 637003.

5.Superintendent of Prison,
Office of the Superintendent of Prisons,
Central Prison, Salem.

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

7.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.993 of 2020

EV(SO)
RV(01.09.2020)



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