

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2020

CORAM :

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

H.C.P. No. 1090 of 2020
and Crl. M.P. No. 4325 of 2020

Dhanalakshmi, F/A 19 years,
W/o. Manikandan @ Bangalore Mani,
Omsakthi Nagar,
Mandarakupam,
Neyveli - 2, Vridhachalam Taluk,
Cuddalore District.

..Petitioner/ Wife of the Detenu

Vs.

- 1.The State of Tamilnadu,
Represented by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent,
Central Prison, Cuddalore - 4.
- 5.The Inspector of Police,
Mandharakupam Police Station,
Cuddalore District.

..Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records in C3/D.O./14/2020 dated 14.02.2020 on the file of the 2nd respondent and quash the same as illegal and consequently, direct the respondents to produce the petitioner's husband Thiru. Manikandan @ Bangalore Mani, Son of Kannan, aged about 25 years, who is now detained in Central Prison, Cuddalore, before this Court and set him at liberty.

For Petitioner : Mr. K. Gandhi Kumar
For Respondents : Mr.Prathaph 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. Though the detention order has been passed on 14.02.2020, this matter is taken up for final disposal as per the earlier order passed by this Court on 31.07.2020 in CrI. M.P. No. 4325 of 2020. The medical records filed by the Prison authorities reveals that the detenu suffered compound grade-II both bone fracture in his left leg and he was operated and plate was fixed and thereafter, another surgery was done to remove the said plate. Still the broken bone has not rejoined. In view of the above said position, this Court has directed the Registry to post the matter final disposal on 07.08.2020 and this case has been listed today. Hence, out of turn, this matter has been taken up only on medical grounds.

3. The wife of the detenu has filed the petition challenging the detention order passed by the 2nd respondent against her husband C3/D.O./14/2020 on 14.02.2020, branding him as a goonda, as he has got one adverse case and one ground case to his account.

4. Heard Mr. M. Gandhi Kumar, learned counsel appearing on behalf of the petitioner as well as Mr.Prathap Kumar, learned Additional Public Prosecutor appearing on behalf of the respondents.

5. The records produced before this Court would reveal that the remand report of the ground case occurring in Page No. 60 and 161 Cr.P.C., statement occurring in Page No.5 of the booklet supplied to the detenu are illegible, which vitiates the detention order and hence, this Habeas Corpus Petition has to be necessarily allowed.

6. Accordingly, the detention order passed by the Second Respondent in C3/D.O./14/2020 dated 14.02.2020 is quashed and the Habeas Corpus Petition is allowed. The detenu viz., Thiru.

Manikandan @ Bangalore Mani, Son of Kannan, aged about 25 years, who is confined at Central Prison, Cuddalore, is directed to be set at liberty forthwith unless his presence is required in connection with any other case. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

gsa

To

- 1.The Secretary to Government,
The State of Tamilnadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Cuddalore District, Cuddalore.
- 3.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 4.The Superintendent,
Central Prison, Cuddalore - 4.
- 5.The Inspector of Police,
Mandharakuppam Police Station,
Cuddalore District.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai.
- 7.The Joint Secretary,
Public (L & O) Department,
Secretariat, Fort St. George,
Chennai 600 009.

H.C.P. No. 1090 of 2020
and CrI. M.P. No. 4325 of 2020

SSV(CO)
KKV/14/08/2020