

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.1467 of 2020

Savitha

... Petitioner/Wife of the Detenu

Vs

1.The Secretary to the Government
(Home)Prohibition and Exercise Department
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore.

3.The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore,
Coimbatore District.

4.The Superintendent,
Central prison,
Coimbatore,
Coimbatore District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus to calling for the records pursuant to the order in C.No.10/G/IS/2020 dated 17.01.2020 passed by the 2nd respondent and quash the same and consequently produce the detenu Manikandan aged about 35 years S/o.Mariappan before this Court and set him at liberty and the detenu now confined in Central Prison, Coimbatore.

For Petitioner : Mr.D.Arun.

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 Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in C.No.10/G/IS/2020 dated 17.01.2020 by the Second Respondent, terming him as 'Cyber Law Offender' under Section 2 (bb) of Tamil Nadu Act 14 of 1982.

3.Heard Mr.D.Arun, 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 similar case referred in the grounds of detention is not similar in nature 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 C.No.10/G/IS/2020 dated 17.01.2020 is quashed and this Habeas Corpus Petition is allowed. The detenu viz., Manikandan aged about 35 years S/o.Mariappan, who is confined at Central Prison, Coimbatore is directed to be set at liberty forthwith unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to the Government
(Home)Prohibition and Exercise Department
Government of Tamil Nadu,
Fort St.George, Chennai 600 009.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Coimbatore.

3.The Inspector of Police,
Saibaba Colony Police Station,
Coimbatore,
Coimbatore District.

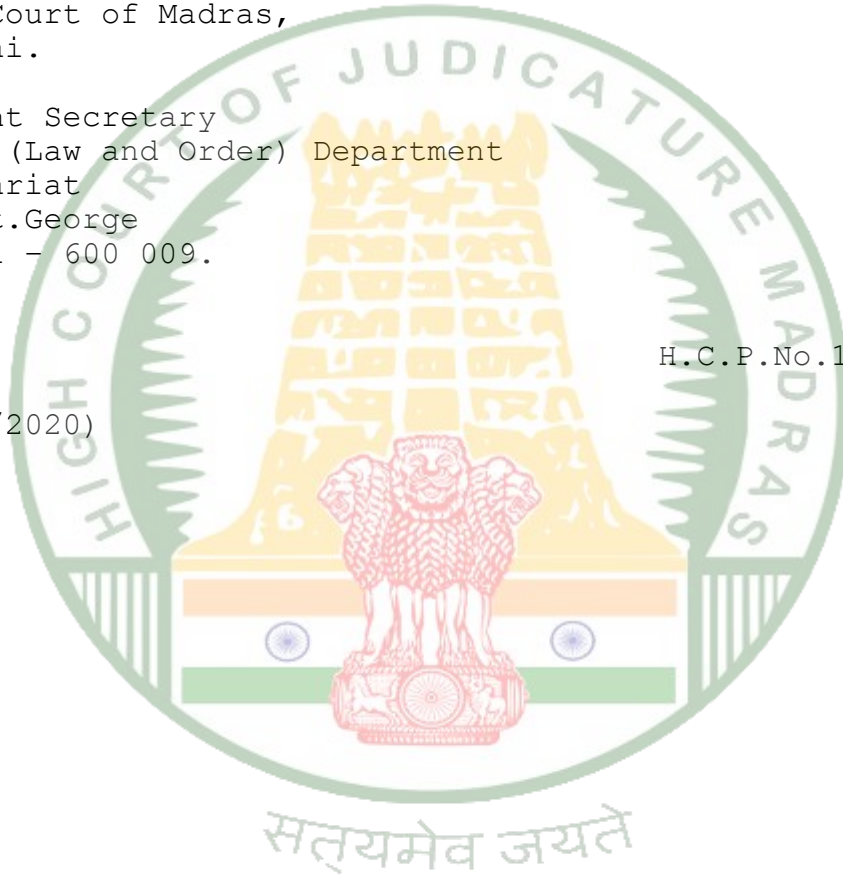
4.The Superintendent,
Central prison,
Coimbatore,
Coimbatore District.

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

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

SR(CO)
GMY(16/09/2020)

H.C.P.No.1467 of 2020



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