

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2094 of 2019

K.Raju
S/o.Kesavan

... Petitioner

Vs

1.The Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in Memo No.BCDFGISSSV 548/2019 on the file of second respondent, quash the detention order dated 29.08.2019 and direct the respondents to produce the detenu Boobalan S/o.Kesavan detained at Central Prison, Puzhal, Chennai, under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.P.K.Ganesh

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the brother of the detenu viz., Boobalan S/o.Kesavan, aged 42 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in Memo No.BCDFGISSSV 548/2019 dated 29.08.2019.

2. The alleged ground case has been registered against the detenu in Crime No.669 of 2019 on the file of S-11

Tambaram Police Station for offences u/s.341, 302 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for petitioner mainly focussed his argument on the ground that the arrest of the detenu has been intimated to his wife through SMS. However, to establish the same, no proof has been produced, which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. In the light of the fact that proper procedure has not been followed in intimating the arrest of the detenu to his wife, we have no hesitation in quashing the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Boobalan S/o. Kesavan, in Memo No. BCDFGISSSV 548/2019 dated 29.08.2019, is set aside. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to the Government
of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 600007.

3. The Superintendent,
Central Prison,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2094 of 2019

MR(CO)
CB(25/02/2020)



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