

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.2095 of 2019

N.Sugunakumari
W/o.E.Namadevan

... Petitioner/Mother of the
detenue

Vs

1.The State of Tamil Nadu,
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.

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

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records pertaining to the order of detention passed by second respondent in his proceedings in Memo No.549/BCDFGISSSV/2019 dated 29.08.2019, set aside the same and direct the respondents to produce the detenu Venkatraman S/o.Namadevan, now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.P.Rajesh Kumar
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 mother of the detenu viz., Venkatraman S/o.Namadevan, aged 29 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.549/BCDFGISSSV/2019 dated 29.08.2019.

2. The detenu came to adverse notice in the following cases:

Sl.No	Police Station/Crime No.	Section of Law
1.	S-5 Pallavaram Police Station, Crime No.362/2019	406 and 420 IPC
2.	S-5 Pallavaram Police Station, Crime No.411/2019	4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002.

The alleged ground case has been registered against the detenu in Crime No.412 of 2019 on the file of S-5 Pallavaram Police Station for offences u/s.341, 294(b), 392 r/w 397, 336, 427 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 mother 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 mother, 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., Venkatraman S/o. Namadevan, in Memo No.549/BCDFGISSSV/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/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The Secretary to Government, State 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.
- 5.The Joint Secretary to Government
Public Law & order Fort St.George Chennai-9

H.C.P.No.2095 of 2019

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