

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

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

H.C.P.No.2097 of 2019

Vanitha
W/o.Raji

... Petitioner

Vs

1. State of Tamil Nadu
Rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai 600 007.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order dated 27.08.2019 on the file of the second respondent herein made in proceedings No.530/BCDFGISSSV/2019 quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Prabhu, S/o.Raji, aged 23 years before this Court and set him at liberty from detention now detained at Central Prison, Puzhal, Chennai 600 066.

For Petitioner : Mr.C.C.Chellappan
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., Prabhu S/o.Raji, aged 23 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.530/BCDFGISSSV/2019 dated 27.08.2019.

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

Sl.No.	Police Station and Crime No.	Section of Law
1.	T7 Tank Factory Police Station, Crime No.725/2019	302 IPC

The alleged ground case has been registered against the detenu in Crime No.730 of 2019 on the file of T7 Tank Factory Police Station for offences u/s.341, 294(b), 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 would mainly focus his argument on the ground that the arrest of the detenu has been intimated through SMS. In support of his contention, learned counsel invited the attention of this Court to Page No.111 the Booklet - Arrest Intimation Form, wherein it has been mentioned 'SMS SENT THROUGH 7418697078', 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 blood relatives, we have no hesitation in quashing the order of detention.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Prabhu S/o.Raji, in Memo No.530/BCDFGISSV/2019 dated 27.08.2019 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

dpq

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St.George,
Chennai - 600009.

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
(Goondas Section), Vepery,
Chennai - 600007.

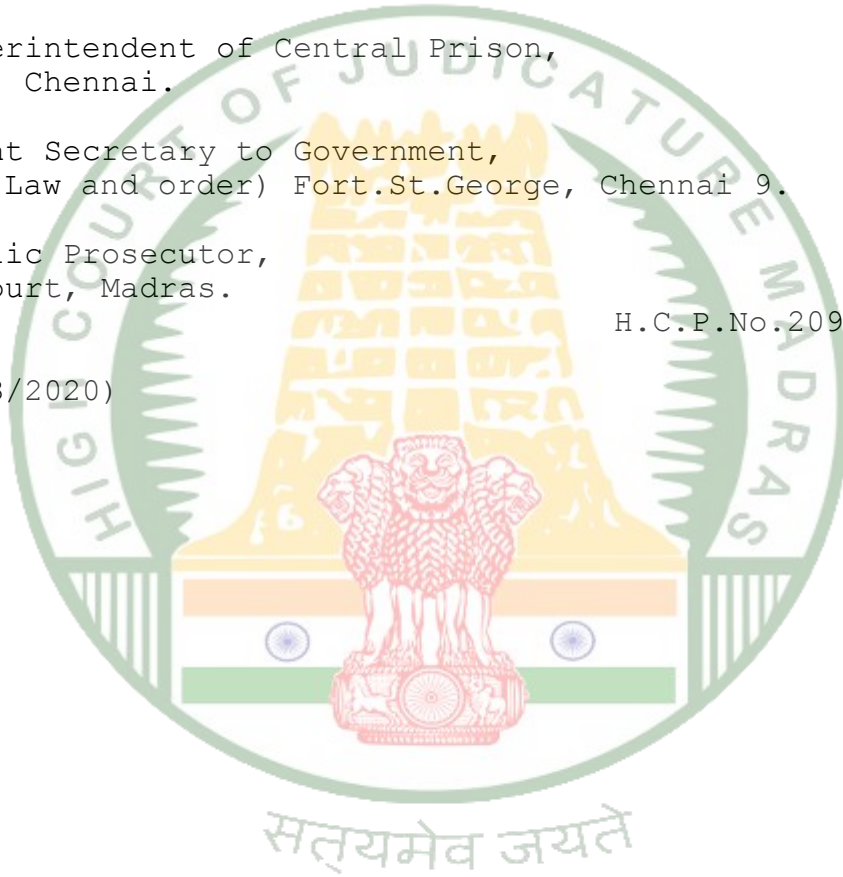
3.The Superintendent of Central Prison,
Puzhal, Chennai.

4.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2097 of 2019

A.SK(16/03/2020)



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