

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.2160 of 2019

Saravanan
S/o.Kuppusamy

... Petitioner

Vs

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

2.The District Collector & District Magistrate,
Kancheepuram District,
Kancheepuram. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by second respondent dated 03.09.2019 in Memo No.BCDFGISSSV 56/2019 against the son of the petitioner Prasanth, Male, aged 22, S/o.Saravanan, who is confined at Central Prison, Vellore and set aside the same and consequently, direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saranraj

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 father of the detenu viz., Prasanth S/o.Saravanan, aged 22 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 56/2019 dated 03.09.2019.

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

Sl.No	Police Station/Crime No.	Section of Law
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1.	Kanchi Taluk PS Crime No.102/2018	341, 294(b), 307, 392, 397 and 506(ii) IPC
2.	Kanchi Taluk PS Crime No.132/2019	147, 148, 341, 294(b), 324, 506(ii), 307, 302 IPC r/w 3(2)(v)(a) Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015

The alleged ground case has been registered against the detenu in Crime No.430 of 2019 on the file of Kanchi Taluk Police Station for offences u/s.341, 294(b), 392, 397, 307 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 Advocate 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 Advocate, 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., Prasanth S/o.Saravanan, in Memo No.BCDFGISSSV 56/2019 dated 03.09.2019, is quashed. 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-III)

//True Copy//

Sub Assistant Registrar

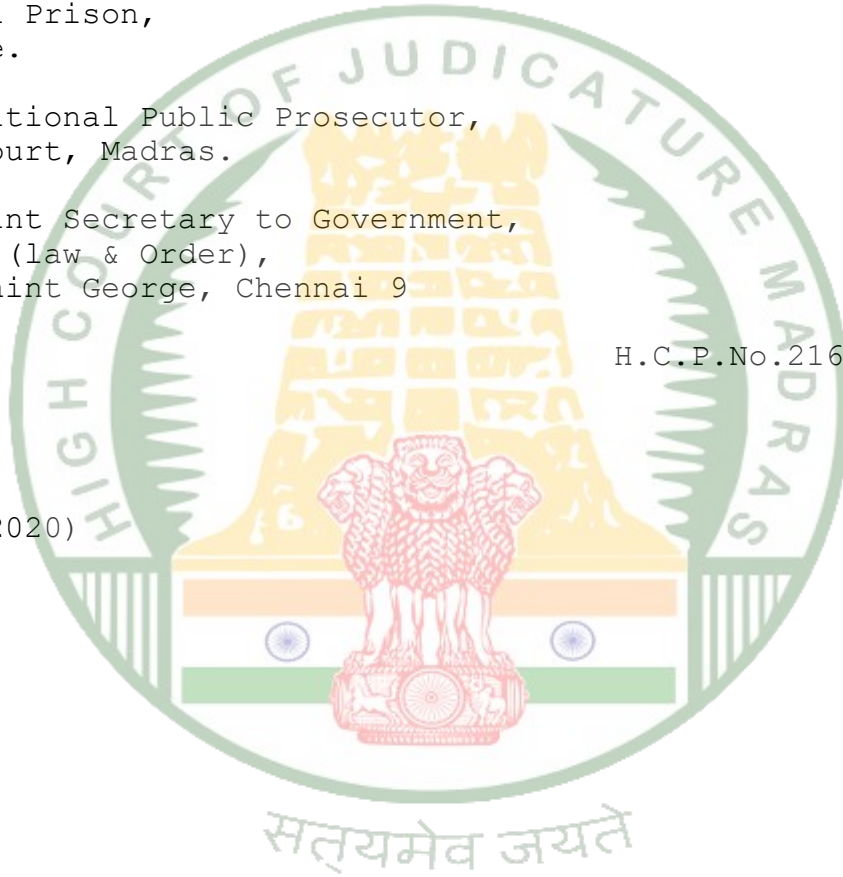
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To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600009.
- 2.The District Collector & District Magistrate,
Kancheepuram District,
Kanhceepuram.
- 3.The Superintendent,
Central Prison,
Vellore.
- 4.The Additional Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government,
Public (law & Order),
Fort Saint George, Chennai 9

H.C.P.No.2160 of 2019

RR(CO)
GN(20/02/2020)



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