IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.2208 of 2019

Mariya
W/o.Selvam ... Petitioner

Vs

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

2.The Commissioner of Police,
Greater Chennai. ... 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 09.09.2019 in Memo No.571/BCDFGISSSV/2019 against the petitioner's son John @ Johnson, Male, aged 33 years, S/o.Selvam, who is confined at Central Prison, Puzhal II, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel
For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

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

Petitioner is the mother of the detenu viz., John @ Johnson S/o.Selvam, aged 33 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.571/BCDFGISSSV/2019 dated 09.09.2019.

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

Sl. No.	Police Station and Crime No.	Section of Law
1.	S-11 Tambaram Police Station, Cr.No.2077/2016	341 and 302 IPC

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Sl. No.	Police Station and Crime No.	Section of Law
2.	S-11 Tambaram Police Station, Cr.No.699/2019	294(b), 324 and 506 (ii) IPC
3.	S-13 Chromepet Police Station, Cr.No.458/2019	341, 294(b), 384 and 506(ii) IPC

The alleged ground case has been registered against the detenu in Crime No.715 of 2019 on the file of S-11 Tambaram Police Station for offences u/s.294(b), 336, 397, 427, 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 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., John @ Johnson S/o.Selvam, aged 33 years, in Memo No.571/BCDFGISSSV/2019 dated 09.09.2019, 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.

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Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gm
To

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

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2.The Commissioner of Police,
Greater Chennai.

3.The Superintendent of Prison,
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.2208 of 2019

A.SK(26/02/2020)

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