

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.2234 of 2019

S.Karthick @ Police Karthick
S/o.Subramaniam

...Petitioner/Detenu

versus

1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2.The Commissioner of Police,
Detaining Authority,
Office of the Commissioner of Police
Coimbatore City.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records in connection with the order of Detention passed by the second respondent dated 12.09.2019 in C.No.70/G/IS/2019 against the petitioner detenu S.Karthick @ Police Karthick, M/A, 39, Son of Subramaniam, who is confined at Central Prison, Coimbatore 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 detenu viz., S.Karthick @ Police Karthick, Son of Subramaniam, aged about 39 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of first respondent passed in C.No.70/G/IS/2019 dated 12.09.2019.

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

Sl. No.	Police Station and Crime No.	Section of law
1.	Tiruppur City, Anupparpalayam Police Station, Crime No.413/2018	170, 419, 420, 448 IPC @ 170 and 395 IPC
2.	Tiruppur City, Anupparpalayam Police Station, Crime No.1011/2018	364-A, 392, 342, 420 and 506(ii) IPC

The alleged ground case has been registered against the detenu in Crime No.366 of 2019 on the file of D-3 Podanur Police Station for offences under Sections 147, 148, 447, 448, 341, 342, 302, 380, 397, 201 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

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

4. Learned counsel appearing for the petitioner would contend that the Detaining Authority has supplied a booklet to the detenu, wherein, at page No.106, copy of the Arrest Intimation Form is available and the same is not identical with the English translation.

5. Considering the aforesaid infirmities found in the booklet, this Court is of the view that the Detention Order in question is liable to be quashed.

6. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., S.Karthick @ Police Karthick, S/o.Subramaniam, aged about 39 years, in C.No.70/G/IS/2019 dated 12.09.2019, 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.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Secretary to the Government,
Home Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Police,
Detaining Authority,
Office of the Commissioner of Police
Coimbatore City.
- 3.The Superintendent,
Central Prison,
Coimbatore.
- 4.The Joint Secretary to Government Public(Law & Order)
Departments,
Fort St. George,
Chennai - 600 009.
- 5.The Public Prosecutor,
High Court,
Madras.

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GJ(CO)
RN(10/07/2020)