



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

CORAM

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

H.C.P.No.2230 of 2019

R.Priya
W/o.Ramachandiran

... Petitioner

Vs

1.The State of Tamil Nadu
represented by its Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600009.

2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.

... 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 bearing reference BCDFGISSSV No.37/2019 dated 29.09.2019 and to set aside the same and direct the respondents to produce the body of the detenu Ramachandiran S/o.Gopal, now detained at Special Sub-Jail, Poonamallee, before this Court and set him at liberty.

For Petitioner : Mr.Sunder Mohan
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 wife of the detenu viz., Ramachandiran S/o.Gopal, aged 38 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 BCDFGISSSV No.37/2019 dated 29.09.2019.



2. The detenu came to adverse notice in Crime No.260/2019 on the file of Vellavedu Police Station for offences u/s.294(b), 307 IPC r/w 3 of Explosive Substances Act, 1908. The alleged ground case has been registered against the detenu in Crime No.262 of 2019 on the file of Vellavedu Police Station for offences u/s.341, 294(b), 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 in the Arrest Intimation Form, the signature of detenu's wife has not been obtained to whom the arrest of the detenu said to have been intimated, which would vitiate the detention.

5. We have heard learned Additional Public Prosecutor on the above submissions.

6. Failure to obtain signature of the detenu's wife in the Arrest Intimation Form would creates doubt whether the arrest of the detenu was intimated to his wife or not. On such reasoning, we have no hesitation in setting aside the order of detention.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Ramachandiran S/o.Gopal, aged 38 years, in BCDFGISSSV No.37/2019 dated 29.09.2019, 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(CS V)

True Copy

Sub-Assistant Registrar

gm

To

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



2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.

3.The Superintendent,
Special Sub-Jail,
Poonamallee.

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

5.The Public Prosecutor,
High Court, Madras.

+1 CC to Mr. Sundar Mohan, Advocate sr 7379.

H.C.P.No.2230 of 2019

BR(CO)
SP(02/03/2020)