

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM

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

H.C.P.No.2264 of 2019

A.Jaishree

W/o.Anandamoorthi

... Petitioner

Vs

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

2.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 26.09.2019 in Memo No.624/BCDFGISSSV/2019 against the petitioner's husband Anandamoorthi, Male, aged 38 years, S/o.Mohan, 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

O R D E R

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

Petitioner is the wife of the detenu viz., Anandamoorthi S/o.Mohan, aged 38 years, who has been branded as a 'Drug Offender' under the Tamil Nadu Act 14 of 1982 and detained under order of second respondent passed in Memo No.624/BCDFGISSSV/2019 dated 26.09.2019.

2. The detenu came to adverse notice in Crime No.93 of 2018 on the file of NIB, CID, Chennai, for offences u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985. The alleged ground case has been registered against the detenu in Crime No.299 of 2019 on the file of V-5 Thirumangalam Police Station for offences u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985. 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 wife 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., Anandamoorthi S/o.Mohan, aged 38 years, in Memo No.624/BCDFGISSSV/2019 dated 26.09.2019, 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

//True Copy//

Sub Assistant Registrar

Gm

To

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

2.The Commissioner of Police,
Greater Chennai.

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

4. The Joint Secretary to Government,
Public (law & Order),
Fort Saint George,
Chennai 9

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2264 of 2019

BR(CO)
GN(03/03/2020)



WEB COPY