

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2020

CORAM

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

H.C.P.No.2262 of 2019

Preethi
W/o.Venkatesan

... Petitioner/Wife of detenu

Vs

1.State of Tamil Nadu,
represented by
The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

... 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 Memo No.621/BCDFGISSSV/2019 passed by second respondent on 25.09.2019 and quash the same as illegal and consequently, direct the respondents to produce the detenu viz., Venkatesh @ Venkatesan S/o.Jayaraman, aged 24 years, before this Court, who is now detained at Central Prison, Puzhal II, Chennai and set him at liberty.

For Petitioner : Mr.A.Elumalai

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., Venkatesh @ Venkatesan S/o.Jayaraman, aged 24 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.621/BCDFGISSSV/2019 dated 25.09.2019.

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

Sl.No	Police Station/Crime No.	Section of Law
1.	T-4 Maduravoyal Police Station, Crime No.594/2019	397 IPC
2.	T-4 Maduravoyal Police Station, Crime No.595/2019	394 IPC
3.	T-4 Maduravoyal Police Station, Crime No.599/2019	392 IPC

The alleged ground case has been registered against the detenu in Crime No.600 of 2019 on the file of T-4 Maduravoyal Police Station for offences u/s.341, 294(b), 336, 427, 397 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 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 there is no proof for establishing that the arrest of the detenu was duly informed to his wife, 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., Venkatesh @ Venkatesan S/o.Jayaraman, in Memo No.621/BCDFGISSSV/2019 dated 25.09.2019, 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.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

gm

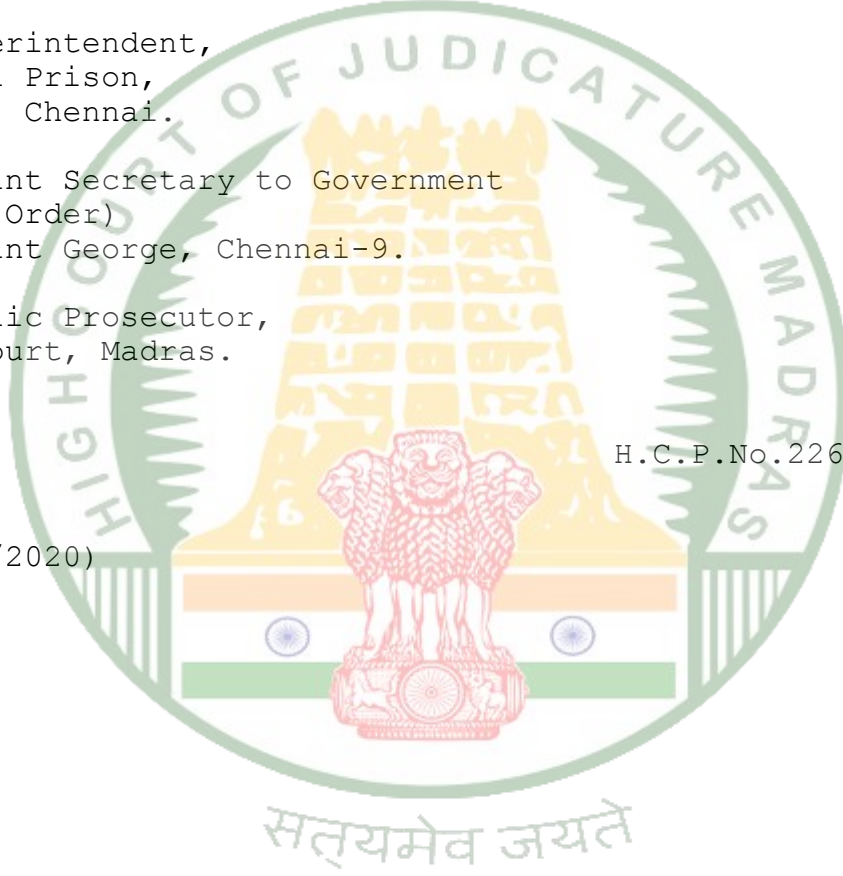
<https://hcservices.ecourts.gov.in/hcservices/>

To

- 1.The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
- 2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Government
(Law & Order)
Fort Saint George, Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.2262 of 2019

KJ(CO)
GMY(27/07/2020)



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