

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

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

H.C.P.No.2327 of 2019

Settu

... Petitioner

Vs

1. The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Dept.
Fort St.George,
Chennai 600 009.

2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the entire records connected with the order of the second respondent herein concerned in No.591/BCDFGISSSV/2019 dated 12.09.2019 and quash the order of detention passed therein by the second respondent herein against the detenu and consequently directing the respondents herein to produce the body and person of the detenu by name Karthik aged about 23 years, S/o.Settu now detained in Central Prison, Vellore before this Court and set him at liberty forthwith.

For Petitioner : M/s.S.Sasikumar

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 father of the detenu viz., Karthik, S/o.Settu, aged 23 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.591/BCDFGISSSV/2019 dated 12.09.2019.

2. The alleged ground case has been registered against the detenu in Crime No.1077 of 2019 on the file of T-14 Mangadu Police Station for offences u/s.302 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 would mainly focus his argument on the ground that the arrest of the detenu has been intimated through SMS. In support of his contention, learned counsel invited the attention of this Court to Page No.76 the Booklet - Arrest Intimation Form, wherein it has been mentioned 'SMS SENT THROUGH 9360543427', 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 blood relatives, we have no hesitation in quashing the order of detention.

7. Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Karthik S/o.Settu, in Memo No.591/BCDFGISSSV/2019 dated 12.09.2019 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.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

dpq

To

1. The Secretary to the Government
Government of Tamil Nadu
(Home) Prohibition and Excise Dept.
Fort St.George,
Chennai 600 009.

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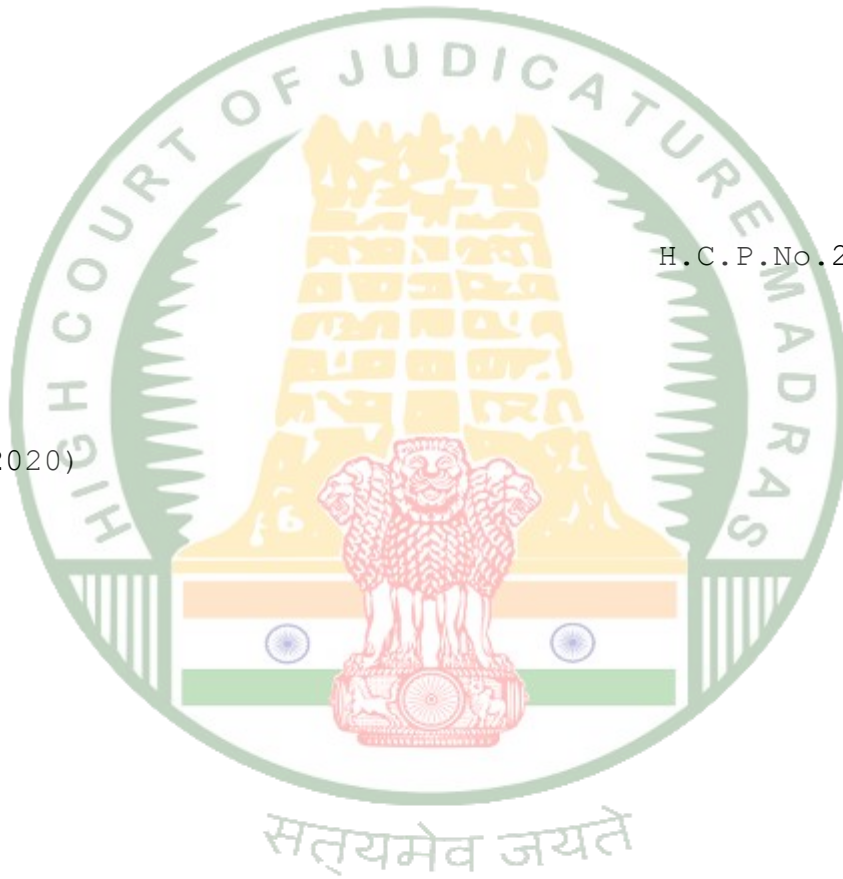
2. The Commissioner of Police
Greater Chennai,
Vepery, Chennai.

4.The Superintendent
Central Prison, Vellore

4. The Public Prosecutor,
High Court, Madras.

H.C.P.No.2327 of 2019

EV (CO)
SP (05/03/2020)



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