

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2020

CORAM

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

H.C.P.No.2302 of 2019

Selvi
W/o.Radhakrishnan ... Petitioner

Vs

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

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007. ... 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 relating to the detention order in Memo No.558/BCDFGISSSV/2019 dated 04.09.2019 passed by second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son viz., Murugan S/o.Radhakrishnan, aged 24 years, the detenu, now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner: Mr.U.Yuvaraj

For Respondents: Mr.R.Prathap Kumar
Additional Public Prosecutor

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O R D E R

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

Petitioner is the mother of the detenu viz., Murugan S/o.Radhakrishnan, 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.558/BCDFGISSSV/2019 dated 04.09.2019.

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

Sl. No.	Name of the Police Station and Crime No.	Sections of law
1.	R-5 Virugambakkam Police Station, Crime No.353/2018	380 IPC
2.	R-5 Virugambakkam Police Station, Crime No.14/2019	379 IPC

The alleged ground case has been registered against the detenu in Crime No.516 of 2019 on the file of T-2 Ambattur Estate Police Station for offences u/s.341, 294(b), 336, 427, 392, 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 mother 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., Murugan S/o.Radhakrishnan, aged 24 years, in Memo No.558/BCDFGISSSV/2019 dated 04.09.2019, 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.

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Sd/-
Assistant Registrar(CS II)

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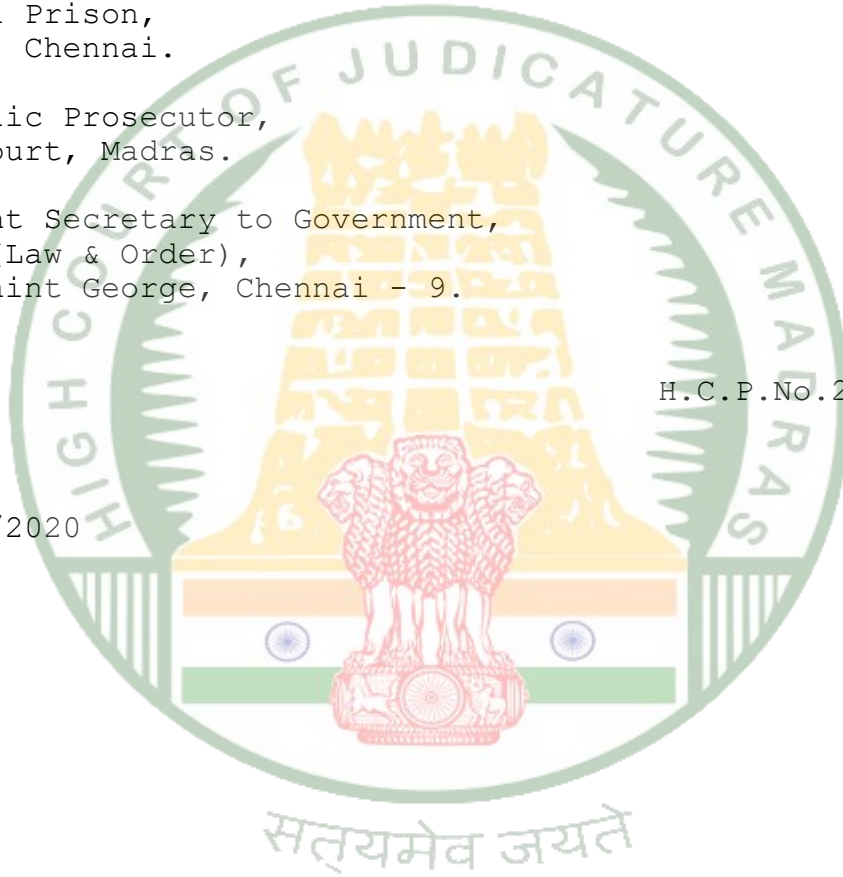
Sub Assistant Registrar

To

- 1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
- 2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 600007.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

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srg 28/02/2020



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