

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2284 of 2019

Sivakami

: Petitioner/Mother of detenue

Vs

1. State of Tamil Nadu  
Rep.by its Secretary,  
Home, Prohibition and Excise Department,  
Fort.St.George, Chennai 600 009.
  2. The Commissioner of Police  
Greater Chennai,  
Vepery, Chennai 600 007.
- : Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.557/BCDFGISSSV/2019 dated 04.09.2019 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Anand @ Kozhi Babu S/o.Murugan aged about 22 years the detenue, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Anand @ Kozhi Babu S/o.Murugan aged about 22 years the detenue herein at liberty.

For Petitioner : M/s.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., Anand @ Kozhi Babu, S/o.Murugan, aged 22 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 No.557/BCDFGISSSV/2019 dated 04.09.2019.

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

| Sl.No. | Police Station and Crime No.                 | Section of Law                                          |
|--------|----------------------------------------------|---------------------------------------------------------|
| 1.     | T4 Maduravoyal Police Station Cr.No.869/2018 | 302 IPC @ 302, 147, 148, 506(ii), 341, 324, r/w 149 IPC |

The alleged ground case has been registered against the detenu in Crime No.516 of 2019 on the file of T2 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 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.62 the Booklet - Arrest Intimation Form, wherein it has been mentioned 'SMS SENT THROUGH 9003350795', 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., Anand @ Kozhi Babu S/o.Murugan, in Memo No. 557/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.

Sd/-  
Assistant Registrar (CS-)

// True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary,  
Home, Prohibition and Excise Department,  
Fort.St.George, Chennai 600 009.
2. The Commissioner of Police  
Greater Chennai,  
Vepery, Chennai 600 007.
3. The Superintendent,  
Central Prison, Puzhal,  
Chennai.
4. The Secretary to Government,  
Public (Law and Order),  
Secretariat, Chennai-09.
5. The Public Prosecutor,  
High Court, Madras.

SR(CO)  
CSR: 28.02.2020

H.C.P.No.2284 of 2019



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