

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

H.C.P.No.2489 of 2019

M.Suyambhukani
W/o.Mahalingam

...Petitioner

versus

1. The Secretary to Government,
(Home) Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

2. The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police
(Goondas Section),
Egmore, Chennai.

....Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Habeas Corpus, calling for the records leading to the detention of the petitioner's son Sugesh @ Sugeshwaran @ Hari, S/o.Mahalingam, aged about 24 years, is presently lodged in Central Prison, Puzhal, and has been detained under Act 14/82 as a Goonda vide detention order dated 12.09.2019 on the file of the second respondent herein, made in No.586/BCDFGISSSV/2019 quash the same and consequently direct the respondents herein to produce the body and person of the said detenu, before this Court and set him at liberty from the Central Prison, Puzhal.

For Petitioner : Mr.J.Senthamil Arasu

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 mother of the detenu viz., Sugesh @ Sugeshwaran @ Hari, S/o.Mahalingam, aged about 24 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of first respondent passed in Memo No.586/BCDFGISSSV/201 dated 12.09.2019.

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

Sl. No.	Police Station and Crime No.	Section of law
1.	M4 Red Hills Police Station, Crime No.323/2019	147, 148, 294(b), 323, 427 & 506(ii) IPC
2.	M1 Madhavaram Police Station, Crime No.501/2019	147, 148, 448 & 302 IPC

The alleged ground case has been registered against the detenu in Crime No.503 of 2019 on the file of M1 Madhavaram Police Station for offences under Sections 147, 148, 341, 294(b), 323, 395, 397, 336, 427 and 506(ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel appearing for the petitioner and learned Additional Public Prosecutor appearing for the respondents. Perused the materials on record.

4. Though several grounds have been raised in the Habeas Corpus Petition, learned counsel for the petitioner mainly focussed his argument on the ground that the arrest of the detenu has been intimated to his blood relative 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 blood relative, 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., Sugesh @ Sugeshwaran @ Hari, S/o.Mahalingam,

aged about 24 years, in No.586/BCDFGIISSSV/2019 dated 12.09.2019, 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

//True Copy//

Sub Assistant Registrar

sri

To

1. The Secretary to Government,
(Home) Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
2. The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police
(Goondas Section),
Egmore, Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Government,
Public (Law & Order)
Fort. St.George,
Chennai - 9.
5. The Public Prosecutor,
High Court, Madras.

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GMR (CO)
KKV/16/06/2020