

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2020

CORAM

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

H.C.P.No.2376 of 2019

Mani
S/o.Subburayan ... Petitioner
Vs

- 1.State of Tamil Nadu
represented by its
Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai, Vepery,
Office of the Commissioner of Police
(Goondas Section),
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 records relating to detention order in BCDFGSSSIV No.582/2019 dated 10.09.2019 passed by second respondent under Tamil Nadu Act 14 of 1982 and quash the same and direct the respondent to produce the detenu viz., Ranjith S/o.Mani, now confined at Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : Mr.R.Vivekananthan
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., Ranjith S/o.Mani, 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 BCDFGSSSIV No.582/2019 dated 10.09.2019.

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

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

Sl. No.	Police Station and Crime No.	Section of Law
1.	S-15 Selaiyur Police Station, Crime No.146/2019	341, 448, 294(b), 324 & 506(ii) IPC r/w Section 3 of TNPPDL Act
2.	S-15 Selaiyur Police Station, Crime No.637/2019	341, 294(b), 323, 324 and 506(ii) IPC

The alleged ground case has been registered against the detenu in Crime No.640 of 2019 on the file of S-15 Selaiyur Police Station for offences u/s.341, 294(b), 392, 397, 336, 427 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 father 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 father, 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., Ranjith S/o.Mani, aged 24 years, in BCDFGSSSIV No.582/2019 dated 10.09.2019, 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)

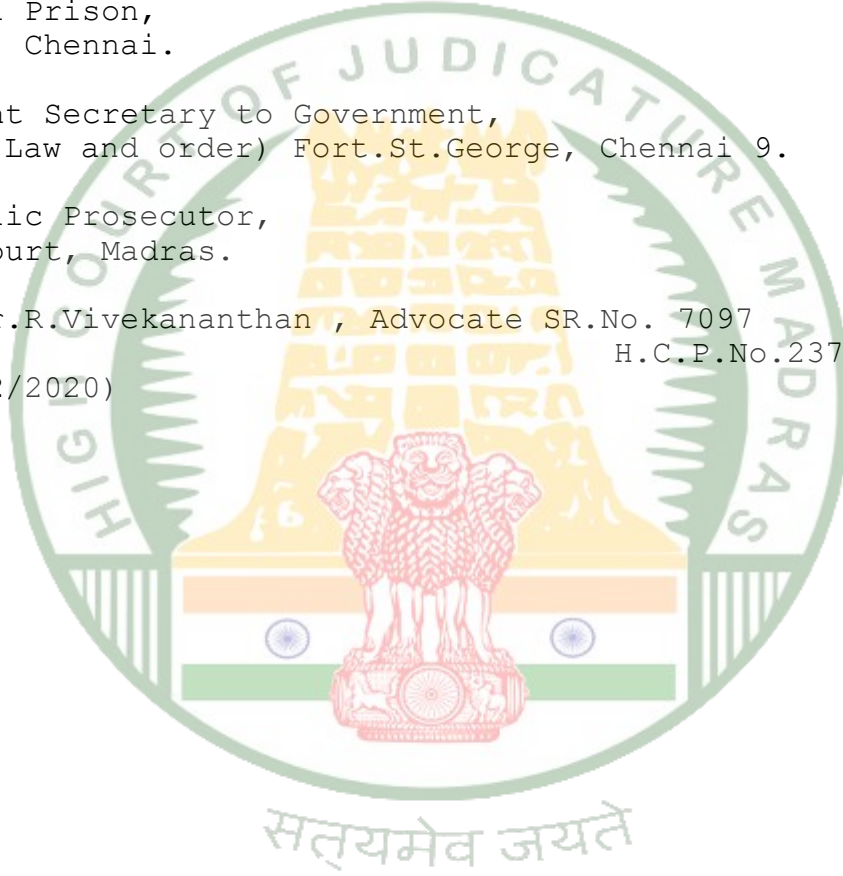
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Sub Assistant Registrar

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To

- 1.The Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
 - 2.The Commissioner of Police,
Greater Chennai, Vepery,
Office of the Commissioner of Police (Goondas Section),
Chennai - 600007.
 - 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
 - 4.The Joint Secretary to Government,
Public (Law and order) Fort.St.George, Chennai 9.
 - 5.The Public Prosecutor,
High Court, Madras.
- +1cc to Mr.R.Vivekananthan , Advocate SR.No. 7097
H.C.P.No.2376 of 2019
A.SK(26/02/2020)



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