

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2020

CORAM

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

H.C.P.No.2462 of 2019

K.Kamala Roshini W/o.Kannan

...Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai,
Chennai Police,
The Office of the Commissioner of Police,
Vepery, Chennai - 600007.

2.The Government of Tamil Nadu,
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

...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 of first respondent culminating with the order of detention bearing Memo No.700/BCDFGISSSV/2019 dated 22.10.2019 passed by first respondent herein detaining the petitioner's husband viz., Kannan S/o.Mariyappa Nadar u/s.XIV of 1982 and quash the same and direct the respondents to produce the body of the person of the detenu, now detained at Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Mr.P.Shivaraj Mohan

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 wife of the detenu viz., Kannan S/o.Mariyappa Nadar, aged 46 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.700/BCDFGISSSV/2019 dated 22.10.2019.

2. The detenu came to adverse notice in Crime No.1143 of 2019 on the file of T-13 Kundrathur Police Station for offences u/s.24(1) of Cigarette and other products of Tobacco Act 2003 r/w 328 IPC. The alleged ground case has been registered against the detenu in Crime No.1172 of 2019 on the file of T-13 Kundrathur Police Station for offences u/s.341, 294(b), 336, 427, 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 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.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the first respondent against the detenu viz., Kannan S/o.Mariyappa Nadar, in Memo No.700/BCDFGISSSV/2019 dated 22.10.2019, 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

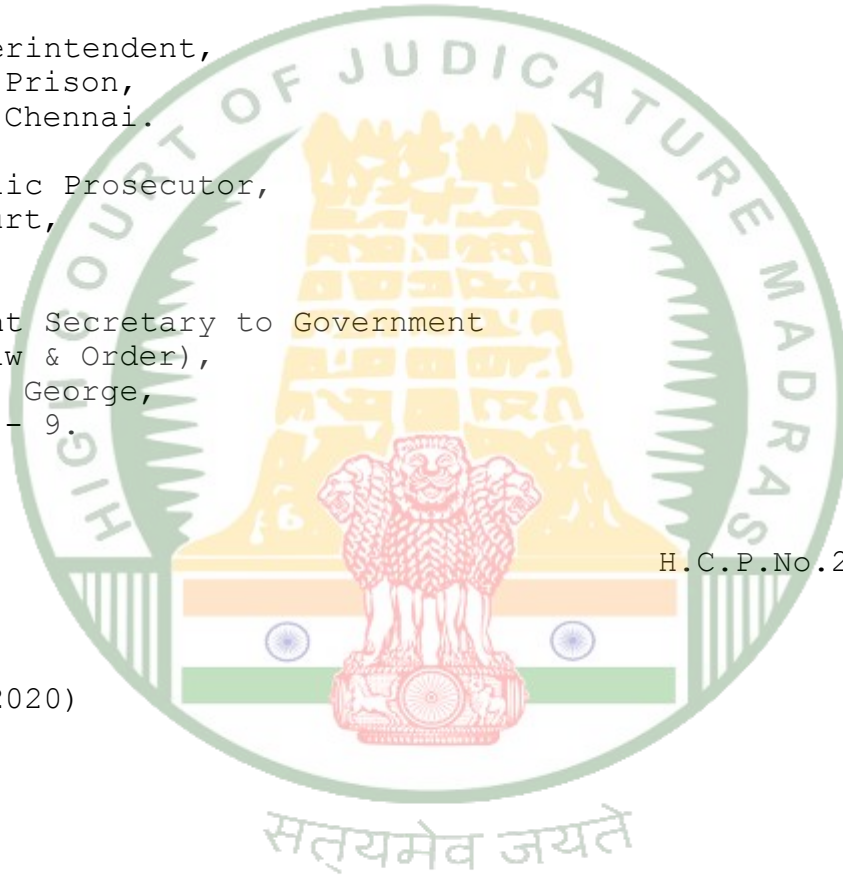
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To

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

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SVI (CO)
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