

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

H.C.P.No.2481 of 2019

Manjula
W/o.Magesh

... Petitioner

Vs

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

2.The Commissioner of Police,
Greater Chennai Police,
Chennai.

3.The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records of the detention order dated 01.10.2019 in detention order in BCDFGISSSV No.634 of 2019 on the file of second respondent herein and quash the same and direct the respondents herein to produce the body of the detenu viz., Arun S/o.Magesh, aged about 21 years, who is now confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.R.Thamaraiselvan

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., Arun S/o.Magesh, aged 23 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 BCDFGISSSV No.634 of 2019 dated 01.10.2019.

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

Sl. No.	Police Station and Crime No.	Section of Law
1.	S-8 Adambakkam Police Station, Cr.No.260/2018	379 IPC
2.	S-8 Adambakkam Police Station, Cr.No.261/2018	379 IPC
3.	S-8 Adambakkam Police Station, Cr.No.635/2018	379 IPC
4.	S-8 Adambakkam Police Station, Cr.No.468/2019	341, 294(b), 323, 384 and 506(ii) IPC

The alleged ground case has been registered against the detenu in Crime No.485 of 2019 on the file of S-8 Adambakkam Police Station for offences u/s.147, 148, 341, 294(b), 323, 397, 427, 336 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 there is no proof for establishing that the arrest of the detenu was duly informed 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., Arun S/o.Magesh, in BCDFGISSSV No.634 of 2019 dated 01.10.2019, 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/-
Asst.Registrar (CS-VI)

/true copy/

Sub Asst. Registrar

gm

To

- 1.The Secretary,
Prohibition and Excise Department,
Fort St.George, Chennai - 600009.
- 2.The Commissioner of Police,
Greater Chennai Police,
Chennai.
- 3.The Inspector of Police,
S-8, Adambakkam Police Station,
Chennai.
- 4.The Superintendent,
Central Prison,
Puzhal, Chennai.
5. The Joint Secretary to Government,
Public (Law & Orders),
Fort Saint George, Chennai - 9.
6. The Public Prosecutor,
High Court, Madras.

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AK - C.O.
MRP 25.02.2020

सत्यमेव जयते

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