

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

H.C.P.No.50 of 2020

John Basha

... Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 7.

2.The Principal Secretary to the Govt. of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the records in Memo No.874/BCDFGISSSV/2019 on the file of the first respondent, set aside the detention order dated 18.12.2019 and direct the first respondent to produce the detainee Alima @ Alima Banu @ Banu @ Priya, wife of Mohammed Vazeer aged about 41 years, presently detained at the Special Prison for Women, Puzhal under the Tamil Nadu Act 14 of 1982 as a Immoral Traffic Offender, before this Court and set her at liberty.

For Petitioner : Mr.K.Balasubramaniam

For Respondents: Mr.R.Prathap Kumar

Additional Public Prosecutor

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner who is the father of the detainee has challenged the detention order passed against the detainee in Memo No.874/BCDFGISSSV/2019 dated 18.12.2019 by the First Respondent as she has got two adverse cases registered against her apart from the ground case. It was also brought to the notice of this Court that she has got 14 previous cases to her credit.

3.Heard Mr.K.Balasubramaniam, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.It is seen from the records that a similar case's bail order referred in the grounds of detention occurring in Page Number 198 of the booklet, has not been properly translated and supplied to the detainee and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the First Respondent in Memo No.874/BCDFGISSSV/2019 dated 18.12.2019 is quashed. The detainee, viz., Alima @ Alima Banu @ Banu @ Priya, wife of Mohammed Vazeer, aged 41 years, who is now confined at Special Prison for Women, Puzhal, is directed to be set at liberty forthwith unless her presence is required in connection with any other case.

6.On technical grounds only, the detention order has been quashed by this Court. The very purpose of detention is to prevent the detainee from repeating offences and that public safety is ensured. Since this Court has quashed the detention order, in the interest of public and in the interest of justice, this Court is justified in directing the detainee to appear before the jurisdictional Police Station, every Monday at 11.00 A.M., till 17.12.2020. The very purpose of this direction is to ensure that the detainee does not repeat the commission of offence and that the police can also have a watch over the movement of the detainee, even if she is outside the prison. Accordingly, this petition is allowed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai - 7.

2.The Principal Secretary to the Govt. of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.

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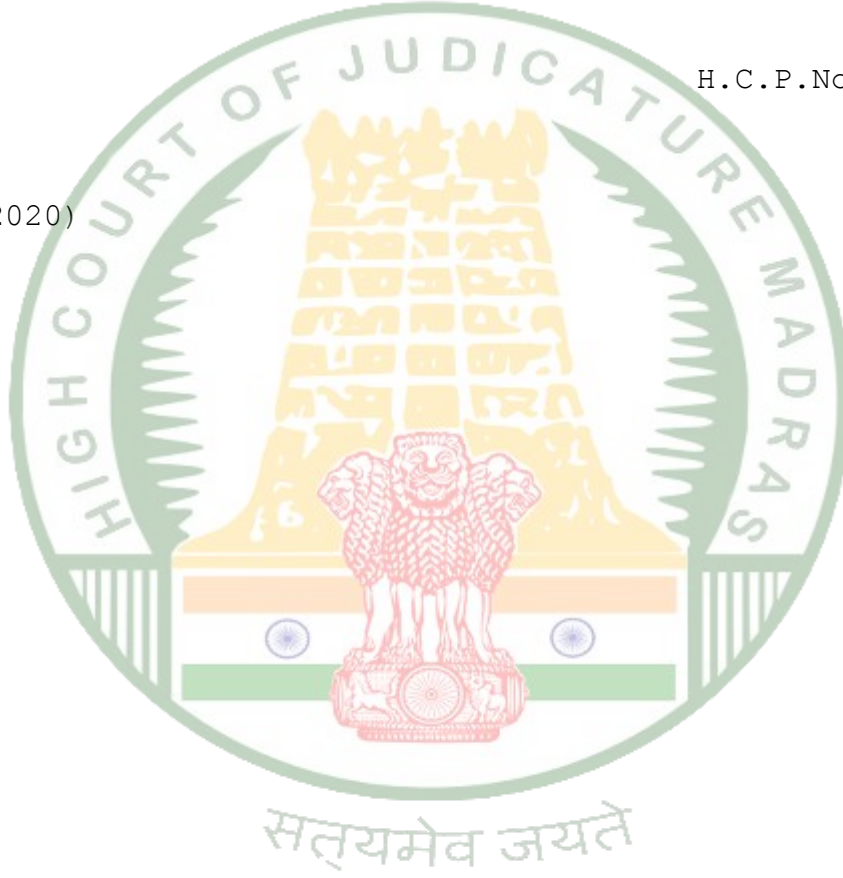
3.The Superintendent,
Special Prison for Women, Puzhal.

4.The Joint Secretary,
Public (Law and Order) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

5.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.50 of 2020

MG(CO)
SP(08/10/2020)



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