

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.121 of 2020

Elumalai

... Petitioner

Vs

1.State of Tamil Nadu,
Rep., by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The District Magistrate and District Collector,
Tiruvallur District, Tiruvallur ... 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 of the detention order vide No.BCDFGISSSV 52 of 2019 dated 29.12.2019 on the file of second respondent and quash the same and produce the petitioner's son Dilli S/o.Elumalai, aged 25 confined at Central Prison, Puzhal before this Court and set him at liberty.

For Petitioner : Mr.S.N.Arunkumar.

For Respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor.

सतयमेव जयते
O R D E R

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

The matter was heard through "Video Conference".

2.The Petitioner who is the father of the detenu has challenged the detention order passed against the detenu in No.BCDFGISSSV 52 of 2019 dated 29.12.2019 by the Second Respondent as he has got three adverse cases apart from the ground case registered against him. It is also brought to the notice of this Court that he has got fourteen previous cases.

3.Heard Mr.S.N.Arunkumar, 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 remand order referred in the grounds of detention occurring in Page Numbers 129 & 130 of the booklet, supplied to the detenu is not properly translated and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in No.BCDFGISSSV 52 of 2019 dated 29.12.2019 is quashed. The detenu viz., Dilli S/o.Elumalai, aged 25 confined at Central Prison, Puzhal is directed to be set at liberty forthwith unless his 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 detenu 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 detenu to appear before the jurisdictional Police Station, every Monday at 11.00 A.M., till 28.12.2020. The very purpose of this direction is to ensure that the detenu does not repeat the commission of offence and that the police can also have a watch over the movement of the detenu, even if he is outside the prison. Accordingly, this petition is allowed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.State of Tamil Nadu,
Rep., by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.

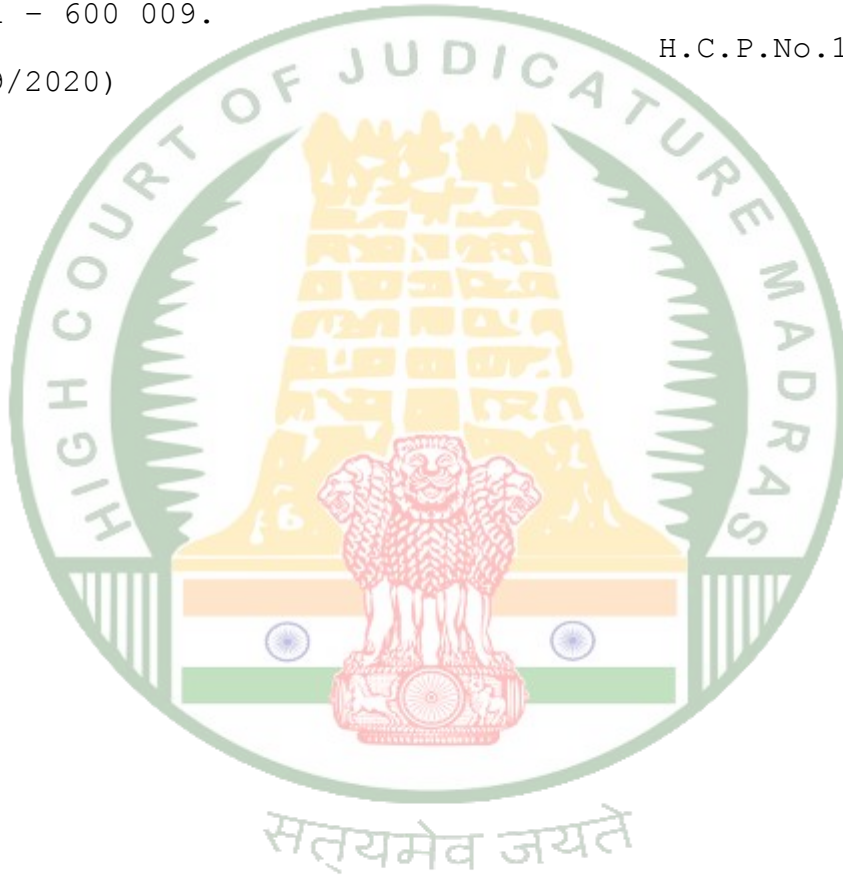
3.The Superintendent of Central Prison,
Puzhal-II,
Chennai.

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

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

H.C.P.No.121 of 2020

A.SK(07/09/2020)



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