

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM :

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

H.C.P.No.200 of 2020

Kaleel

... Petitioner

Vs

1.The District Collector and
District Magistrate
Tiruvannamalai District
Tiruvannamalai.

2.The Government of Tamilnadu
Rep by its Secretary to Government
Home, Prohibition and Excise Department
Fort St George
Chennai.

.... 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 1st respondent culminating with the order of detention D.O.No.98/2019-C2 dated 17.12.2019 passed by the 1st respondent herein detaining petitioner son Thiru Yusuf under Section Act XIV of 1982 and quash the same and direct the respondents to produce the body of the person of the detenu, Thiru Yusuf, S/o Kaleel, male aged about 34 years before this Court, now detained in the Central Prison, Vellore and thereby set him at liberty.

For Petitioner : Mr.M.Jaikumar

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 Conference".

2.The father of the detenu has filed this Petition challenging the detention order passed by the first Respondent

in D.O.No.98/2019-C2 dated 17.12.2019 under Tamil Nadu Act 14 of 1982 based on the ground case registered against him for the offence under Section 302 of Indian Penal Code.

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

4.The records produced before this Court would reveal that intimation of arrest sent to the relatives of the detenu occurring in Page Number 95 of the booklet has not been substantiated and the same vitiates the detention order and hence, this Habeas Corpus Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the first Respondent in D.O.No.98/2019-C2 dated 17.12.2019 is quashed. The detenu viz., Thiru Yusuf, S/o Kaleel, male aged about 34 years, who is confined at Central Prison,Vellore 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 16.12.2020. 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/-

सत्यमेव जयते Assistant Registrar (CS-IV)

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Sub Assistant Registrar

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To

1.The District Collector and
District Magistrate
Tiruvannamalai District
Tiruvannamalai.

2.The Secretary to Government
The Government of Tamilnadu
Home, Prohibition and Excise Department
Fort St George
Chennai.

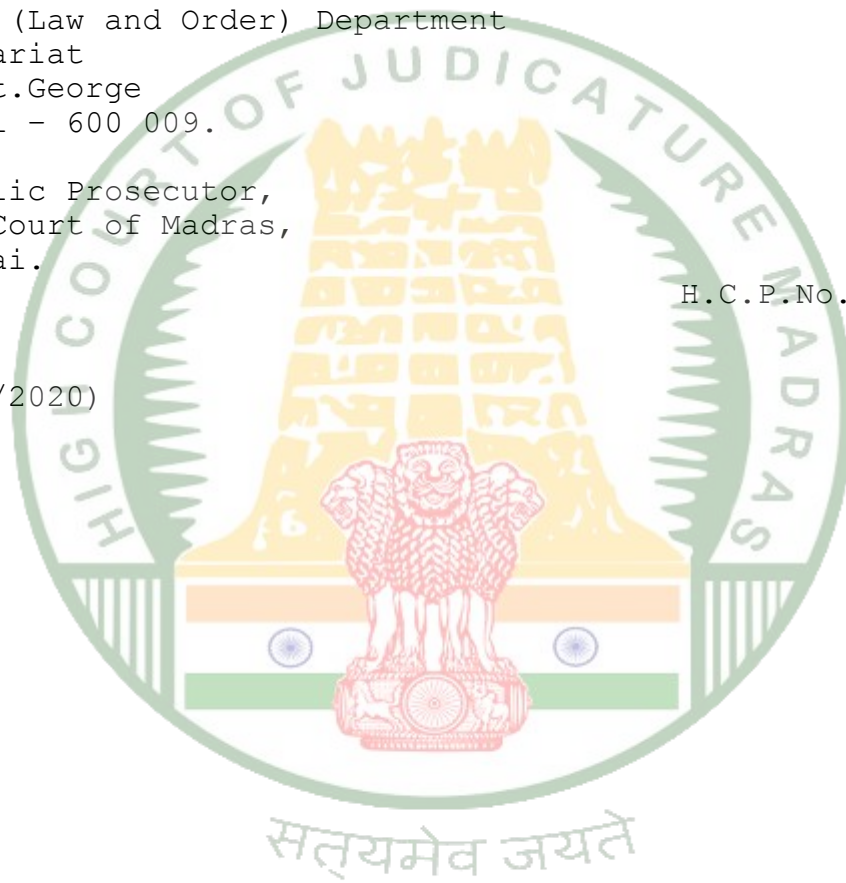
3.The Superintendent,
Central Prison, Vellore.

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.200 of 2020

RLD(CO)
GMY(01/10/2020)



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