

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM :

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

H.C.P.No.288 of 2020

M.Thasleem Banu ... Petitioner/Wife of the Detenu

Vs

1.The State of Tamil Nadu,
Rep. By the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector and District Magistrate,
Vellore District,
Vellore - 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 connection with the order of Detention passed by the second respondent dated 20.01.2020 in C3/D.O.No.4/2020 against the detenu Muneer son of Munna male aged about 30 years, who is now confined at Central Prisons, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.P.Parthiban.

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 wife of the detenu has filed this petition challenging the detention order passed against her husband in C3/D.O.No.4/2020 dated 20.01.2020, terming him as 'Goonda' under Section 2 (f) of Tamil Nadu Act 14 of 1982 as he has totally got nine adverse cases apart from the ground case registered against

him. Out of the ten cases, one case was registered for the offence under Section 302 of Indian Penal Code and it is seen that he is a History Sheeter and his History sheet number is 01/2018.

3.Heard Mr.P.Parthiban, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the respondents.

4.It is evident from the records that the detenu has not been supplied with the material documents with regard to adverse case's AR copy, wound certificate and doctor's report. Therefore, the detention order is vitiated and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed against the detenu in C3/D.O.No.4/2020 dated 20.01.2020 is quashed. The detenu viz., Muneer son of Munna male aged about 30 years, who is now confined at Central Prison, Vellore is directed to be released forthwith unless his presence is required in connection with any other case.

6.From the records, it is evident that the detenu has got about ten cases to his credit and a history sheet has been opened by the police. Out of the ten cases, one case has been registered under Section 302 of Indian Penal Code. Only to prevent the detenu from indulging in criminal activities, he has been detained under Goondas Act. 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.

7.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 Vellore North Crime Police Station, Vellore every Monday at 11.00 A.M., till 19.01.2021. 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.

8.In the above terms, this Petition is ordered.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate,
Vellore District,
Vellore - 9.
- 3.The Superintendent of Prison,
Central Prison,
Vellore.
- 4.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.
5. The Inspector of Police,
Vellore North Crime Police Station,
Vellore.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.288 of 2020

NMI (CO)
GN(04/09/2020)

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