

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.284 of 2020

Gandhimathi

... Petitioner

Vs

1.The Secretary to Government,
Government of India,
Ministry of Home affairs,
Department of Internal Security,
North Block, New Delhi - 110 001.

2.The Lieutenant Governor,
Rajnivas, Puducherry.

3.The District Magistrate-cum-Authorised Officer,
Office of the District Magistrate,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

... 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 relating to the detention order in No.04/DM/RO/D2/PPASAA/2020 dated 20.01.2020 passed by the 3rd respondent under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act 10 of 2010) and set aside the same and direct the respondent to produce the petitioner's son Sarath @ Sarathkumar @ Podimass S/o.Sankar aged about 26 years the detenu, now confined in Central Prison, Kalapet, Puducherry before this Court and set the Petitioner's son Sarath @ Sarathkumar @ Podimass S/o.Sankar aged about 26 years the detenu herein at liberty.

For Petitioner : Mr.U.Yuvaraj.

For Respondents: Mr.Bharatha Chakravarthy,
Public Prosecutor (Puducherry).

O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Mother of the detenu has filed this petition challenging the detention order passed against her son in No.04/DM/RO/D2/PPASAA/2020 dated 20.01.2020, terming him as 'Dangerous person' under subsection (1) of Section 3 of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010) as he has got four adverse cases apart from the ground case registered against him.

3.Heard Mr.U.Yuvaraj, learned Counsel appearing for the Petitioner and Mr.Bharatha Chakaravathy, learned Public Prosecutor (Puducherry) appearing for the respondents.

4.It is evident from the records that the detenu has not been supplied with the additional material documents such as bail application which is referred in Paragraph No.7 of the grounds of detention. Therefore, the detention order is vitiated and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed against the detenu in No.04/DM/RO/D2/PPASAA/2020 dated 20.01.2020 is quashed. The detenu viz., Sarath @ Sarathkumar @ Podimass S/o.Sankar aged about 26 years the detenu, now confined in Central Prison, Kalapet, Puducherry is directed to be released 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 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. Accordingly, this petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of India,
Ministry of Home affairs,
Department of Internal Security,
North Block, New Delhi - 110 001.
2. The Lieutenant Governor,
Rajnivas, Puducherry.
3. The District Magistrate-cum-Authorised Officer,
Office of the District Magistrate,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605 009.
4. The Superintendent of Prison,
Central Prison, Kalapet,
Puducherry.
5. The Public Prosecutor,
Puducherry.

H.C.P.No.284 of 2020

VG-II (CO)
RV (08/09/2020)



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