

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM :

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

H.C.P.No.290 of 2020

Soundharya

... Petitioner

Vs

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

2.The Commissioner of Police,
Chennai Police, Vepery,
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 pertaining to the order of detention passed in No.30/BCDFGISSSV/2020 dated on 22.01.2020 passed by the 2nd respondent and set aside the same and directing the Respondents to produce the petitioner's husband by name Karthikeyan @ Karthik son of Kannan aged about 22 years before this Court now confined in Central prison, Puzhal, Chennai set him at liberty.

For Petitioner : Mr.V.Karnan.

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 by the Second Respondent

in No.30/BCDFGISSSV/2020 dated 22.01.2020, terming him as 'Goonda' under the Tamil Nadu Act 14 of 1982 as he has got one adverse case registered against him for the offence under Section 302 of Indian Penal Code apart from the ground case. It is also brought to the notice of this Court that he has also got nine previous cases and out of the said cases, three cases have been registered for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.V.Karnan, 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 there was a delay in passing the Detention Order. Though the Detenu was arrested on 01.12.2019, the Detention Order was passed only on 22.01.2020 and the same vitiates, the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in No.30/BCDFGISSSV/2020 dated 22.01.2020 is quashed. The detenu viz., Karthikeyan @ Karthik son of Kannan aged about 22 years, who is confined in Central prison, Puzhal, Chennai 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 and Friday at 11.00 A.M., till 21.01.2021. 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 (CS-IV)

//True copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Police,
Chennai Police, Vepery,
Chennai.

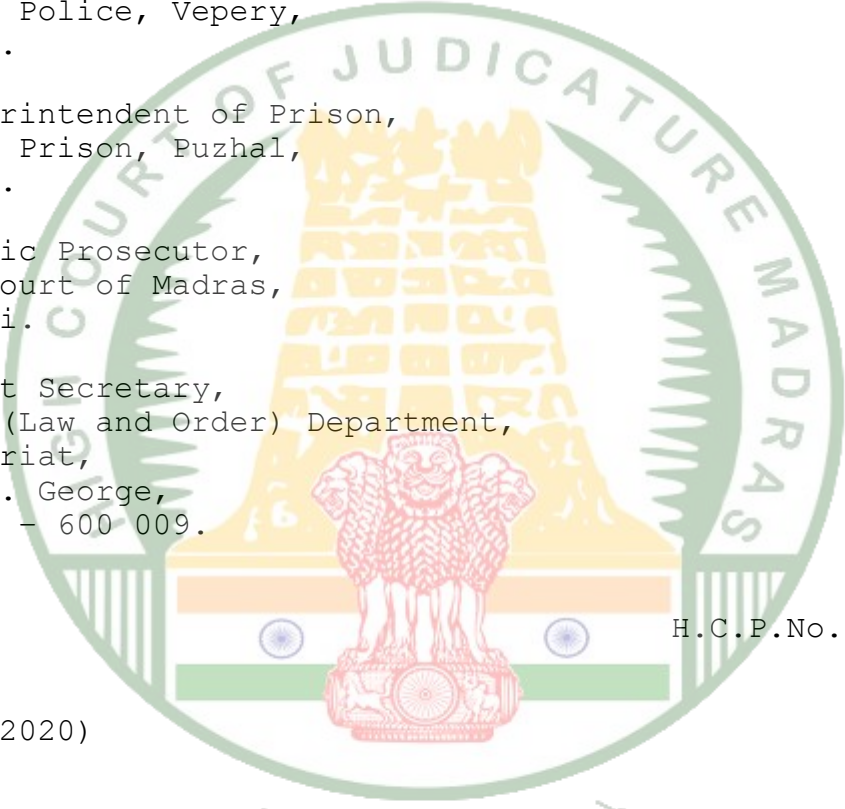
3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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.290 of 2020

GP(CO)
GMY(08/09/2020)

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The gopuram is set against a green background with a white border. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green arc around the top. At the bottom, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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