

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.315 of 2020

Saleth Mary

... Petitioner

Vs

1.The Secretary to the Government,  
Home, Prohibition & Excise Dept.,  
Secretariat,  
Chennai 600 009.

2.Commissioner of Police,  
Greater 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 in connection with the order of Detention passed by the second respondent dated 22.01.2020 in Memo No.32/BCDFGISSSV/2020 against the petitioner husband Ahamed Basha @ Basker, male aged 23 years, S/o.Jalalludeen, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel.

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

WEB COPY

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 Memo No.32/BCDFGISSSV/2020 dated 22.01.2020, terming him as 'Goonda' under the Tamil Nadu Act 14 of 1982 as he has got two adverse cases apart from the ground case registered against him. It is brought to the notice of this Court that the detenu has got eight previous cases and it is seen that out of the said cases, one of the cases has been registered under Section 302 of Indian Penal Code and he is a History Sheeter and his history sheet number is 14/2016.

3.Heard Mr.S.Senthilvel, 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 02.12.2019, 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 Memo No.32/BCDFGISSSV/2020 dated 22.01.2020 is quashed. The detenu viz., Ahamed Basha @ Basker, male aged 23 years, S/o.Jalalludeen, who is confined at 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 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/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

ay  
To

1.The Secretary to the Government,  
Home, Prohibition & Excise Dept.,  
Secretariat,  
Chennai 600 009.

2.Commissioner of Police,  
Greater 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.

WEB COPY

H.C.P.No.315 of 2020

ssv(co)  
aa07/09/2020