

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.378 of 2020

Mrs.Thamilarasi

...Petitioner

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

2. The Commissioner of Police,
Greater Chennai,
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 08.01.2020 in No.12/BCDFGISSSV/2020 against the petitioner husband Mr.Mathi @ Mathiyazhagan male aged about 30 years son of Sengutuvan, 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.M.Illiyas.

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

ORDER

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in No.12/BCDFGISSSV/2020 dated 08.01.2020 by the Second Respondent as he has got two adverse cases apart from the ground case registered against him. It is seen that he has got forty

previous cases from the year 2012 apart from the adverse cases and ground case registered against him.

3.Heard Mr. M.Illiyas, 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 a similar case Form 95 referred in the grounds of detention occurring in Page Number 121 of the booklet, supplied to the detenu is illegible and the same vitiates the detention order. Hence, this Petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in No.12/BCDFGISSSV/2020 dated 08.01.2020 is quashed. The detenu viz., Mr.Mathi @ Mathiyazhagan male aged about 30 years son of Sengutuvan, 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.Only on technical grounds, 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 H1 Washermenpet Police Station, Greater Chennai every monday at 11.00 A.M., till 07.01.2021. The very purpose of this direction is to see 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.

Sd/-

Assistant Registrar(CS I)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai 600 009.

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

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
(Induplicate for Communication to the Detenue)

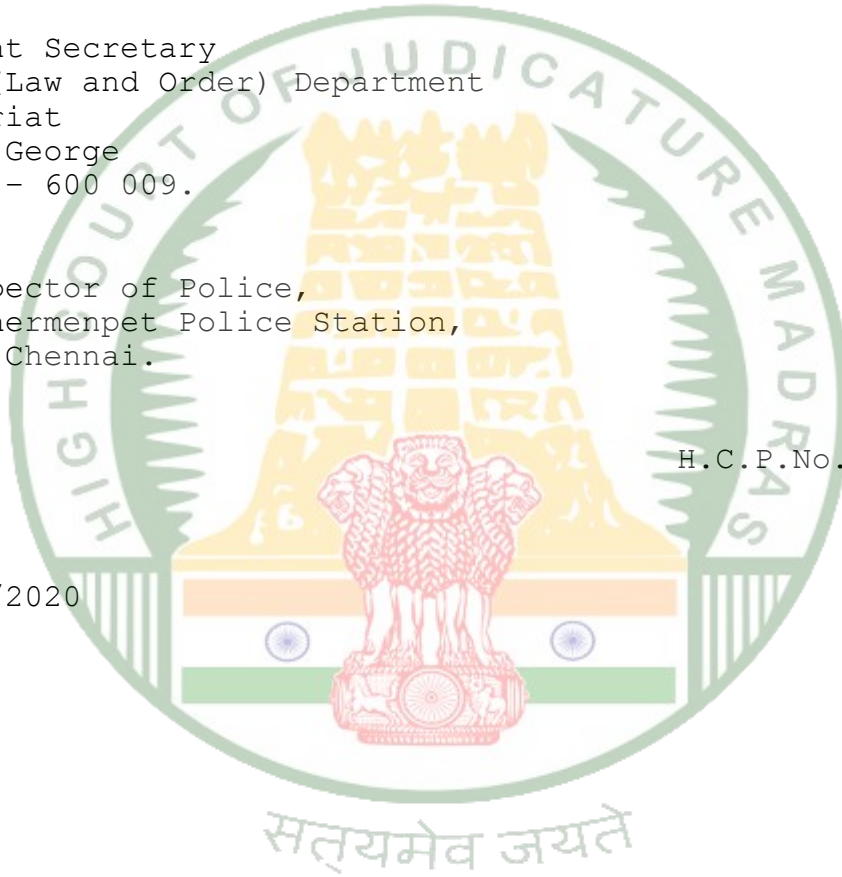
4.The Public Prosecutor,
High Court of Madras,
Chennai.

5.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.

6.The Inspector of Police,
H1, Washermenpet Police Station,
Greater Chennai.

H.C.P.No.378 of 2020

SPD(CO)
KKV/04/09/2020



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