

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM :

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

H.C.P.No.453 of 2020

Sathish @ Pallu Sathish

... Petitioner

Vs

1.The Government of Tamilnadu
represented by its Secretary to Government
Department of Prohibition and Excise(Home),
Fort St.George, Chennai 600 009.

2.The Commissioner of Police
Chennai City Police, Greater Chennai
Commissioner office,Vepery,
Chennai - 600 007.

... 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 made in No.58/BCDFGISSSV/2020
dated 31.01.2020 on the file of the 2nd respondent herein and
set aside the same as illegal and direct the respondents to
produce the petitioner viz., Sathish @ Pallu Sathish, S/o
Ganesan, aged 26 years, now confined at Central Prison, Puzhal,
Chennai, before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

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 detenu has challenged the detention order passed
against the detenu in No.58/BCDFGISSSV/2020 dated 31.01.2020 by
the Second Respondent, terming him as 'Goonda' under Section 2
(f) of Tamil Nadu Act 14 of 1982 as he has got three adverse

cases apart from the ground case registered against him and out of the said three cases, one case has been registered for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.Ilayaraja Kandasamy, 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 the remand extension order referred in the grounds of detention occurring in Page Numbers 102 and 103 of the booklet has not been properly translated and supplied to the detenu 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.58/BCDFGISSSV/2020 dated 31.01.2020 is quashed. The detenu viz., Sathish @ Pallu Sathish, S/o Ganesan, aged 26 years, now 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 30.01.2021. 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
The Government of Tamilnadu
Department of Prohibition and Excise(Home),
Fort St.George, Chennai 600 009.

2.The Commissioner of Police
Chennai City Police, Greater Chennai
Commissioner office,Vepery,
Chennai - 600 007.

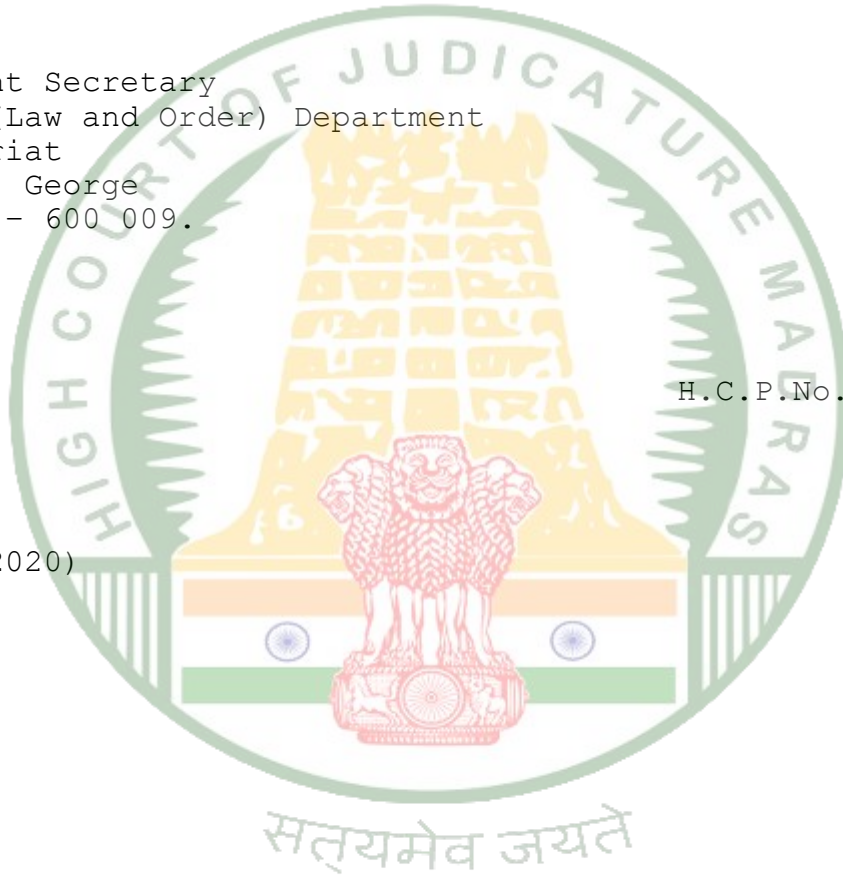
3.The Superintendent,
Central Prison,
Puzhal, Chennai.

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.

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