

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.374 of 2020

V.Kamali

... Petitioner/
Mother of the Detenu

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.
2. The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.

... 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 Memo No.1/BCDFGISSSV/2020 dated 01.02.2020 on file of the 2nd respondent herein and set aside the same and direct the Respondents herein to produce the Petitioner's son Vikki @ Vigneshwaran, Son of Velu, aged 22 years, now confined in the Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.K.M.Appaji.

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 mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo No.1/BCDFGISSSV/2020 dated 01.02.2020, terming him as 'Goonda' under the Tamil Nadu Act 14 of 1982 as he has got eight

previous cases including the adverse case and ground case registered against him and it is seen that out of the said cases, the ground case has been registered under Section 302 of Indian Penal Code and he is a History Sheeter and his history sheet number is 10/2019.

3.Heard Mr.C.K.M.Appaji, 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 09.11.2019, the Detention Order was passed only on 01.02.2020 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.1/BCDFGISSSV/2020 dated 01.02.2020 is quashed. The detenu viz., Vikki @ Vigneshwaran, Son of Velu, aged 22 years, now confined in the 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 the 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 Sholavaram Police Station, Tiruvallur District every monday at 11.00 A.M., till 31.01.2021. 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.

7.In the above terms, this Petition is ordered.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Prohibition & Excise Department,
Fort St.George,
Chennai 600 009.
2. The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.
3. The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.
4. The Joint Secretary,
Public (Law and Order) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
5. The Inspector of Police
Sholavaram Police Station
Tiruvallur District
6. The Public Prosecutor,
High Court of Madras,
Chennai.

H.C.P.No.374 of 2020

SPD(CO)
SP(05/10/2020)

सत्यमेव जयते

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