

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.385 of 2020

B.Rehyana Banu

...Petitioner/Wife
of the detenu

Vs

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

2.The District Collector & District Magistrate,
Vellore District, Vellore - 9.

...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 12.02.2020 in C3/D.O.No.14/2020 against the petitioner husband Basha, male aged 34 years S/o.Serkhan, who is confined at Central Prison, Vellore 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.

O R D E R

(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 C3/D.O.No.14/2020 dated 12.02.2020 by the Second Respondent, branding him as 'Goonda' under Section 2 (f) of Tamil Nadu Act 14 of 1982. It is also brought to the notice of this Court that he has got seven previous cases and he is also a History Sheeter and his number is No.488/2012.

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 ground case's bail order referred in the grounds of detention occurring in Page Number 90 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 C3/D.O.No.14/2020 dated 12.02.2020 is quashed. The detenu viz., Basha, male aged 34 years S/o.Serkhan, who is confined at Central Prison, Vellore 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 11.02.2021. 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 VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to the Government,
Home, Prohibition and Excise Dept.,
Secretariat,
Chennai - 600 009.
2. The District Collector & District Magistrate,
Vellore District,
Vellore.
3. The Superintendent of Prison,
Central Prison,
Vellore.

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.385 of 2020

LN(CO)
KKV/07/09/2020