

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.416 of 2020

Jothilakshmi

... Petitioner

Vs

- 1.The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
- 2.The Commissioner of Police/Detaining Authority,
Tiruppur City,
Tiruppur.
- 3.The Superintendent of Prison,
Central Prison,
Coimbatore.

... 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 of the impugned order of detention in C.No.10/G/IS/2020 dated 06.02.2020 on the file of the 2nd respondent and quash the same as illegal and to direct the respondents to produce the detenu Mayee, son of Chinnannan, male aged 32 years, now detained at the Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Mr.J.Selvam.

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 Sister of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in C.No.10/G/IS/2020 dated 06.02.2020, terming him as 'Drug Offender' under the Tamil Nadu Act 14 of 1982 based on the ground case registered against him. It is also brought to the notice of this Court that he has also got a previous case.

3.Heard Mr.J.Selvam, 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 ground case's seizure mahazar referred in the grounds of detention occurring in Page Numbers 27 & 28 of the booklet 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 C.No.10/G/IS/2020 dated 06.02.2020 is quashed. The detenu viz., Mayee, son of Chinnannan, male aged 32 years, now detained at the Central Prison, Coimbatore 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 05.02.2021. 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.

-s/d-

Assistant Registrar(CCC)

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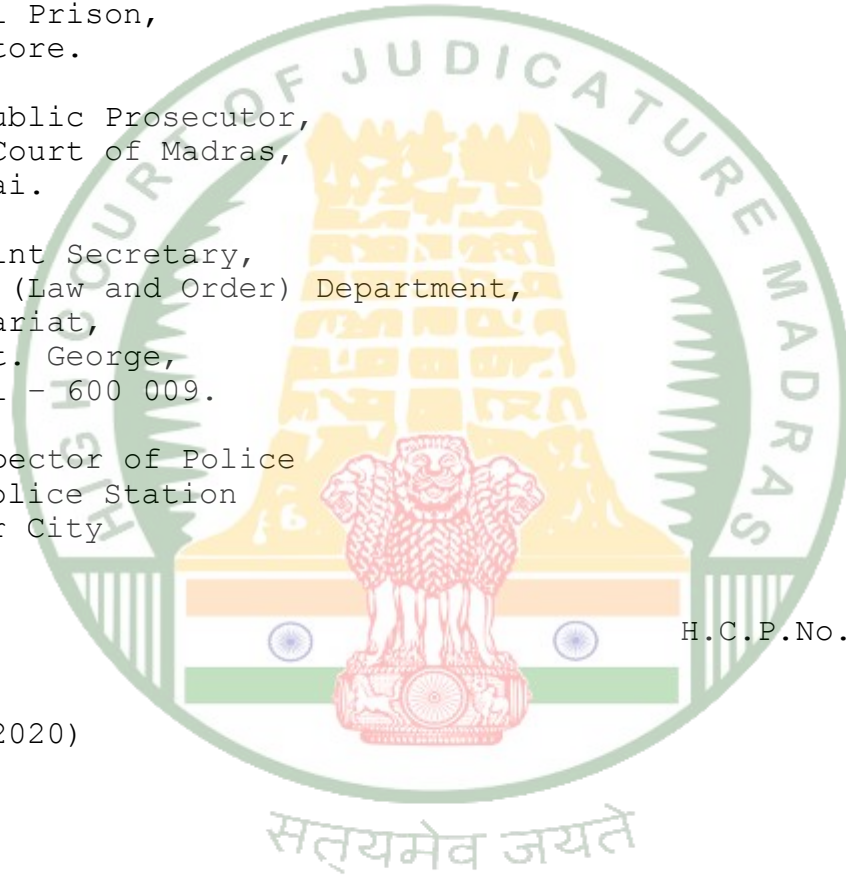
Sub-Assistant Registrar

To

1. The Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai 600 009.
2. The Commissioner of Police/Detaining Authority,
Tiruppur City,
Tiruppur.
3. The Superintendent of Prison,
Central Prison,
Coimbatore.
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
North Police Station
Tiruppur City

H.C.P.No.416 of 2020

LN (CO)
SP (08/09/2020)



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