

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.410 of 2020

Kannan

... Petitioner/Father of
the Detenu

Vs

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

2.The District Collector & District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

... Respondents/ 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 17.02.2020 in D.O.No.04/2020-C2 against the petitioner Son Viji, Male aged 22 years S/o.Kannan, 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.D.Balaji.

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 father of the detenu has filed this Petition challenging the detention order passed by the Second Respondent

in D.O.No.04/2020-C2 dated 17.02.2020, terming him as 'Goonda' under the Tamil Nadu Act 14 of 1982 as he has got one adverse case and ground case registered against him. It is also brought to the notice of this Court that he has also got a previous case apart from the adverse case.

3.Heard Mr.D.Balaji, 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 11.01.2020, the Detention Order was passed only on 17.02.2020 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 D.O.No.04/2020-C2 dated 17.02.2020 is quashed. The detenu viz., Viji, Male aged 22 years S/o.Kannan, 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 16.02.2021. 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.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ay
To

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

2.The District Collector & District Magistrate,
Tiruvannamalai District,
Tiruvannamalai.

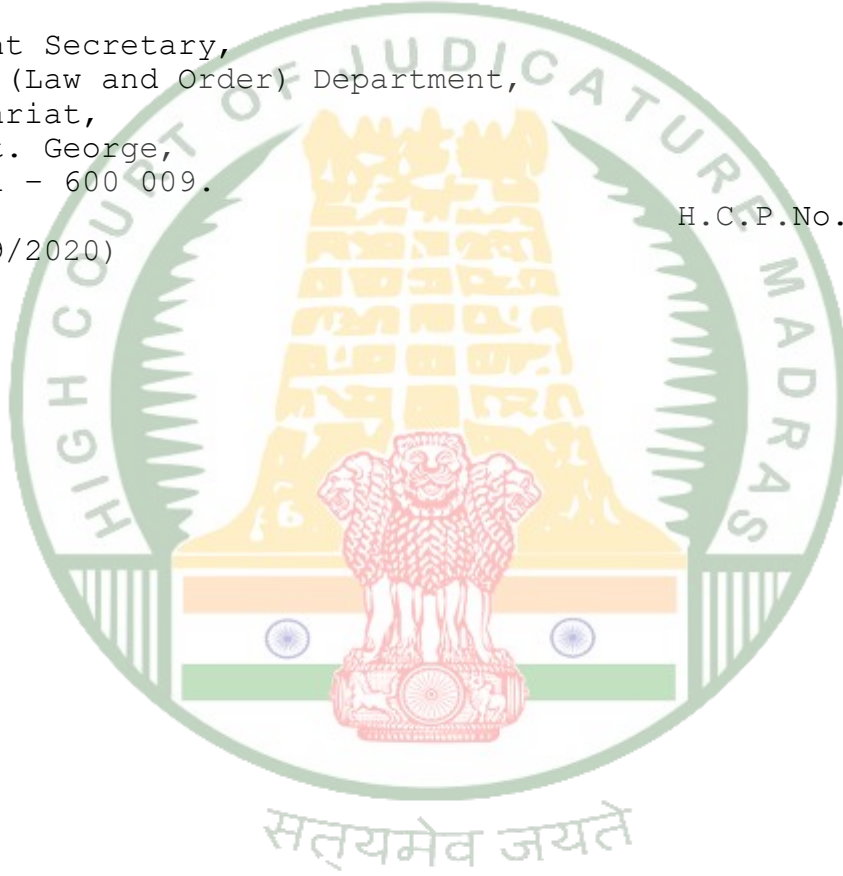
3.The Superintendent of Prison,
Central Prison,
Vellore.

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.410 of 2020

A.SK(08/09/2020)



WEB COPY