

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2020

CORAM :

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

H.C.P.No.451 of 2020

Usha

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai.

... 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 relating to the detention order in Memo BCDFGISSSV No.19/2020, dated 14.01.2020 passed by the 2nd respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondent to produce the petitioner's son Kalaiyarasan @ Kalai @ Vandu S/o.Palayam aged about 24 years the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the Petitioner's son Kalaiyarasan @ Kalai @ Vandu S/o.Palayam aged about 24 years the detenu herein at liberty.

For Petitioner:Mr.R.Karthick Sevugapperumal.
For Respondents:Mr. R. Prathap Kumar,
Additional Public Prosecutor.

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O R D E R
(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner who is the mother of the detenu has challenged the detention order passed against the detenu in Memo BCDFGISSSV No.19/2020 dated 14.01.2020 by the Second Respondent

as he has got three adverse cases apart from the ground case registered against him. It is also brought to the notice of this Court that he is a history sheeter and his number is No.7 of 2019.

3.Heard Mr.R.Karthick Sevugapperumal, 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 Form 91 referred in the grounds of detention occurring in Page Number 351 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 Memo BCDFGISSSV No.19/2020 dated 14.01.2020 is quashed. The detenu viz., Kalaiyarasan @ Kalai @ Vandu S/o.Palayam aged about 24 years, who is 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 13.01.2021. 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

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To

1.The Secretary,
Home, Prohibition and Excise Department,
Fort St.George, Chennai.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai.

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

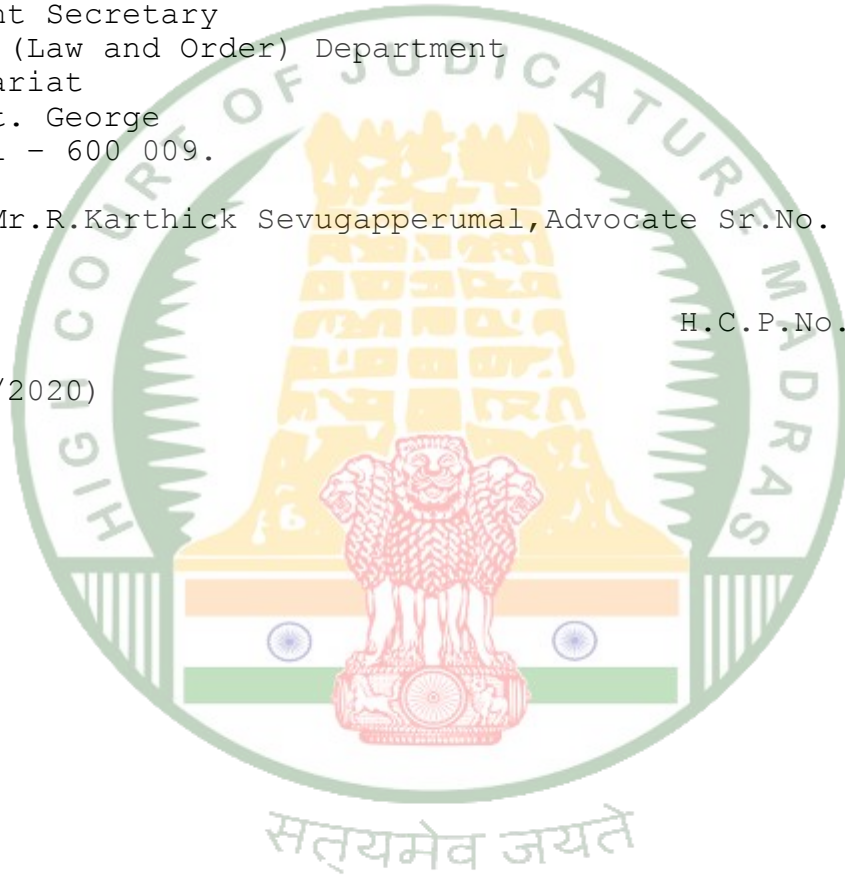
4.The Public Prosecutor,
High Court of Madras,
Chennai.

5.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St. George
Chennai - 600 009.

+1 cc to Mr.R.Karthick Sevugapperumal, Advocate Sr.No. 30179

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MP (CO)
RMP (12/10/2020)



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