

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM :

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

H.C.P.No.476 of 2020

Santhi Petitioner/Mother of the Detenu

.Vs.

1. The Government of Tamilnadu,
Rep by its Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Fort St George,
Chennai.
 2. The District Magistrate and
District Collector,
Kancheepuram District,
Kancheepuram.
- 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 2nd respondent dated 12.02.2020 in C.M.P.No.02/B.L.A./C2/2020 against the petitioner son Ranjith, Male aged 23 years S/o Rajangam, who is confined at Central Prison, Salem and set aside the same and direct the respondents to produce the detenu before the Hon'ble 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 Petitioner who is the mother of the detenu has challenged the detention order passed against the detenu in C.M.P.No.02/B.L.A./C2/2020 dated 12.02.2020 by the Second Respondent, terming him as 'Bootlegger' under Section 2 (b) of Tamil Nadu Act 14 of 1982 as he has got three adverse cases apart from the ground case registered against him.

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 the Chemical analysis report of the adverse case referred in the grounds of detention has not been supplied to the detenu 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.M.P.No.02/B.L.A./C2/2020 dated 12.02.2020 is quashed. The detenu viz., Ranjith, Male aged 23 years S/o Rajangam, now confined at Central Prison, Salem 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

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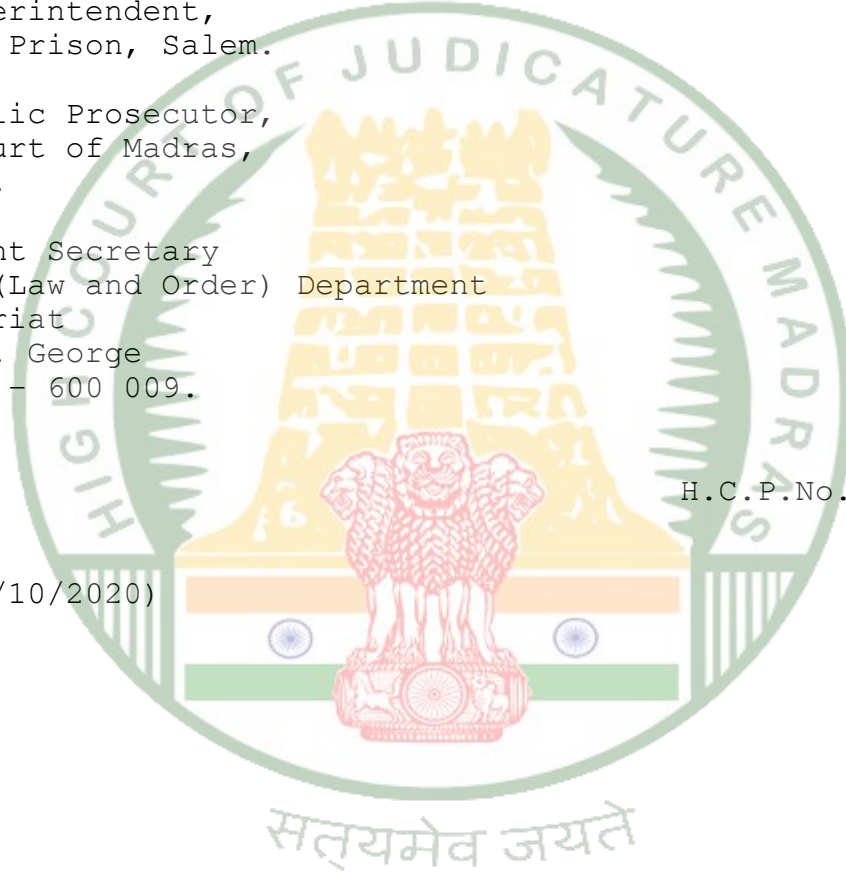
Sub Assistant Registrar

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Fort St George
Chennai.
- 2.The District Magistrate and
District Collector
Kancheepuram District
Kancheepuram.
- 3.The Superintendent,
Central Prison, Salem.
- 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.

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H.C.P.No.476 of 2020



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