

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN
H.C.P.No.487 of 2020

J.Rani

... Petitioner

Vs

1.Government of Tamil Nadu,
Rep. by its Secretary,
Home, Prohibition and Excise (XVI) Dept.,
Fort St.George,
Chennai - 600 009.

2.The District Magistrate and Collector,
Officer of District Collector and District Magistrate,
Namakkal District.

... 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 detention order in C.M.P.No.1/Goonda/2020/M1 dated 10.01.2020 on the file of the second respondent and quash the same and direct the respondents herein to produce the body of petitioner's son Thiru.Nicolson @ Prabu, aged 37 years, now confined at Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.K.T.S.Sivakumar

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.1/Goonda/2020/M1 dated 10.01.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of 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 six previous cases to his credit.

3.Heard Mr.K.T.S.Sivakumar, 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 similar case's bail order referred in the grounds of detention occurring in Page Numbers 139 to 141 of the booklet has not been properly translated and 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.1/Goonda/2020/M1 dated 10.01.2020 is quashed. The detenu viz., Thiru.Nicolson @ Prabu, aged 37 years, 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 09.01.2021. 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.

-s/d-
सत्यमेव जयते

Assistant Registrar

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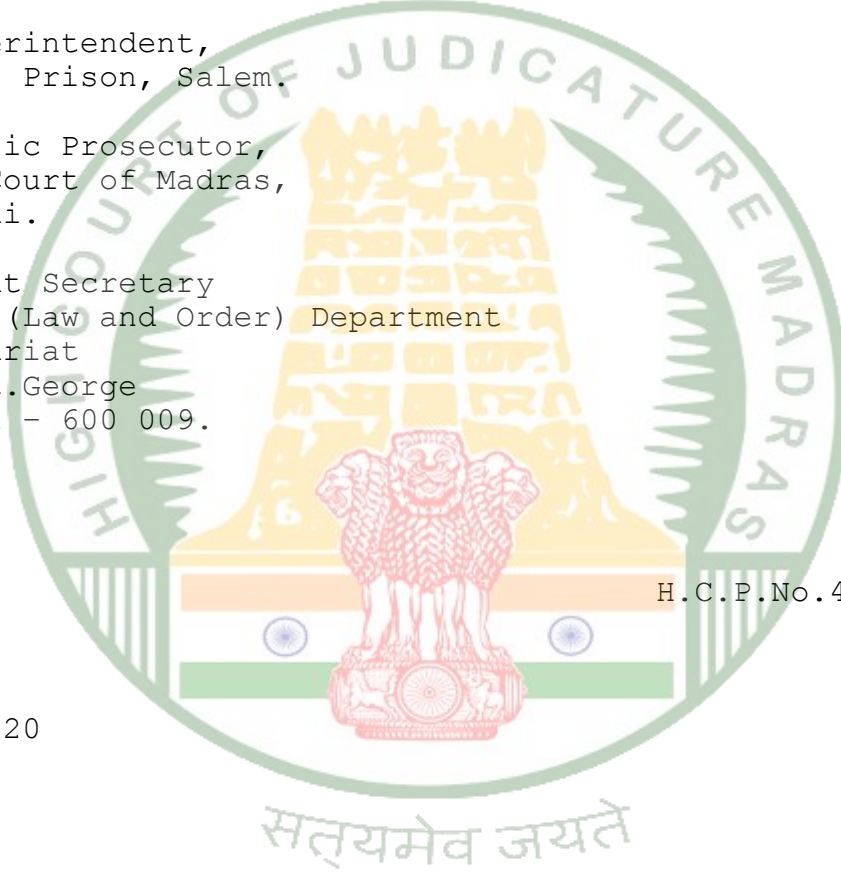
Sub-Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise (XVI) Dept.,
Fort St.George,
Chennai - 600 009.
- 2.The District Magistrate and Collector,
Officer of District Collector and District Magistrate,
Namakkal District.
- 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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