

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM :

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

H.C.P.NO.563 OF 2020

Stella Mary

... Petitioner/
Wife of Detenu

Vs

1. The Secretary to Government,
Home, Prohibition and Excise Dept.,
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

... 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 29.01.2020 in No.50/BCDFGISSSV/2020 against petitioner's husband, the detenu herein, now confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu Thiru.Rajesh, S/o.Devan, aged about 37 years before this Court and set him at liberty.

For Petitioner : Mr.A.Nirmal Kumar

For Respondents: Mr.T.Shunmuga Rajeswaran,
Government Advocate (Criminal Side)

ORDER

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conferencing".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in

No.50/BCDFGISSSV/2020 dated 29.01.2020 by the Second Respondent as he has got two adverse cases registered against him apart from the ground case.

3.Heard Mr.A.Nirmal Kumar, learned Counsel appearing for the Petitioner and Mr.T.Shunmuga Rajeswaran, learned Government Advocate (Criminal Side) appearing for the Respondents.

4.It is seen from the records that Page Numbers 14, 16, 52, 64, 85, 88 and 130 of the booklet supplied to the detenu, are 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 No.50/BCDFGISSSV/2020 dated 29.01.2020 is quashed. The detenu, viz., Rajesh, S/o.Devan, aged about 37 years, who is now 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 28.01.2021. 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//सत्यमेव जयते

Sub Assistant Registrar

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To

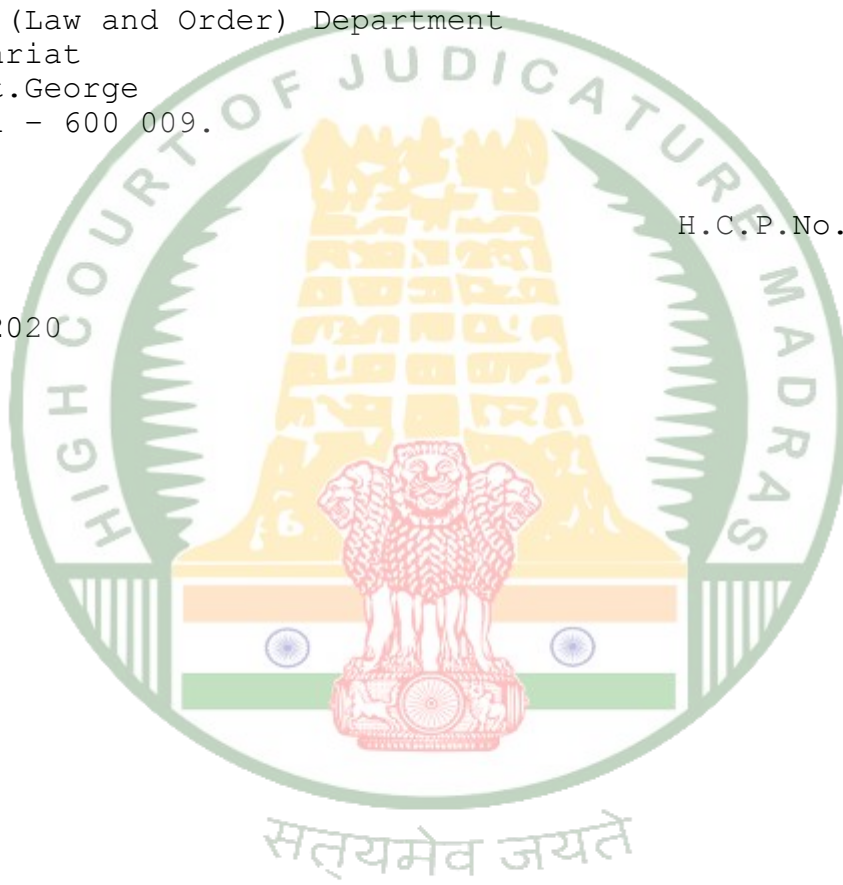
1. The Secretary to Government,
Home, Prohibition and Excise Dept.,
Fort St.George,
Chennai - 600 009.

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2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
3. The Superintendent of Prison,
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.

H.C.P.No.563 of 2020

LN(CO)
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