

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM :

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

H.C.P.No.493 of 2020

Sankar

... Petitioner

Vs

1.The State of Tamil Nadu rep by its
Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George
Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai 7.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Habeas
Corpus calling for the entire records in Memo
No.81/BCDFGISSSV/2020 passed by the 2nd respondent on 07.02.2020
on the file of the 2nd respondent and quash the same as illegal
and consequently direct the respondent to produce petitioner son
Karthik @ Poochi, Son of Sankar, aged about 22 years, before
this Court, who now detained in Central Prison, Puzhal-II, and
set him at liberty.

For Petitioner : Mr.A.Elumalai

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 Conferencing".

2.The Petitioner who is the father of the detenu has
challenged the detention order passed against the detenu in Memo
No.81/BCDFGISSSV/2020 dated 07.02.2020 by the Second Respondent

based on the ground case registered against him for the offence under Section 302 of Indian Penal Code and it is also brought to the notice of this Court that he has also got previous cases.

3. Heard Mr.A.Elumalai, 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 a similar case's confession statement referred in the grounds of detention occurring in Page Number 144 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 Memo No.81/BCDFGISSSV/2020 dated 07.02.2020 is quashed. The detenu viz., Karthik @ Poochi, Son of Sankar, aged about 22 years, who is confined at Central Prison, Puzhal - II, 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 06.02.2021. 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.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

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

- 2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai 7.
- 3.The Superintendent,
Central Prison, Puzhal-II, 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.493 of 2020

BP(CO)
SP(01/10/2020)



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