

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.503 of 2020

Revathi ... Petitioner/Wife of detainee

Vs

1.The State of Tamilnadu
Rep by its Secretary to Government
Home, Prohibition and Excise Department
Secretariat,
Chennai-600 009.

2.The District Collector and
District Magistrate,
Kallakuruchi District,
Kallakuruchi.

... 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 relating to petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 14.02.2020 on the file of the second respondent herein made in proceedings D.O.No.C2/1/2020, quash the same as illegal and consequently direct the respondents herein to produce the said petitioner's husband namely Senthil @ Elaneer Senthil, son of Govindasamy, aged 39 years before this Court and set the petitioner's husband at liberty from detention, now petitioner's husband detained at Central Prison, Cuddalore.

For Petitioner : Mr.C.C.Chellappan

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 wife of the detenu has challenged the detention order passed against the detenu in D.O.No.C2/1/2020 dated 14.02.2020 by the Second Respondent based on the ground case registered against him and it is also brought to the notice of this Court that he has also got two previous cases to his credit.

3.Heard Mr.C.C.Chellappan, 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 referred in the grounds of detention occurring in Page Numbers 44 and 45 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 D.O.No.C2/1/2020 dated 14.02.2020 is quashed. The detenu viz., Senthil @ Elaneer Senthil, son of Govindasamy, aged 39 years, who is confined at Central Prison, Cuddalore 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 13.02.2021. 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 (CCC)

//True copy//

Sub Assistant Registrar

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To

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

2.The District Collector and
District Magistrate,
Kallakuruchi District,
Kallakuruchi.

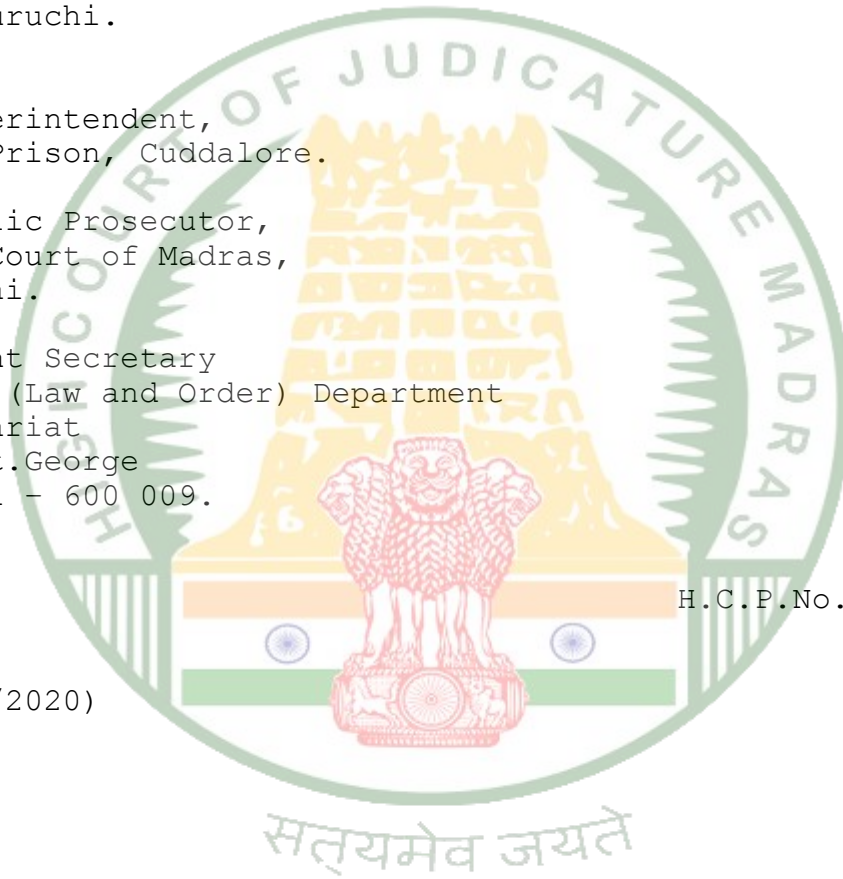
3.The Superintendent,
Central Prison, Cuddalore.

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.503 of 2020

VG I(CO)
GMY (22/10/2020)



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