

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM :

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

H.C.P.No.514 of 2020

Sabiya Begam

... Petitioner

Vs

1.The Government of Tamilnadu
Rep by its Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St George
Chennai.

2.The Commissioner of Police
Greater Chennai
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 records in connection with the order of detention passed by the 2nd respondent dated 29.01.2020 in Memo no.51/BCDFGISSSV/2020 against the petitioner's brother Rasulkhan, S/o Abdul Rashid, aged 38 years, who is confined at Central Prison, Puzhal-II, Chennai 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.K.Kannan

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 sister of the detenu has challenged the detention order passed against the detenu in Memo

no.51/BCDFGISSSV/2020 dated 29.01.2020 by the 2nd Respondent, terming him as 'Goonda' under Section 2 (f) 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.K.Kannan, learned Counsel appearing for the Petitioner and Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the Respondents.

4.The records produced before this Court would reveal that the remand order occurring in Page Numbers 143 and 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 allowed.

5.Accordingly, the detention order passed by the 2nd Respondent in Memo no.51/BCDFGISSSV/2020 dated 29.01.2020 is quashed. The detenu viz., Rasulkhan, S/o Abdul Rashid, aged 38 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 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//

Sub Assistant Registrar

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To

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St George
Chennai.

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

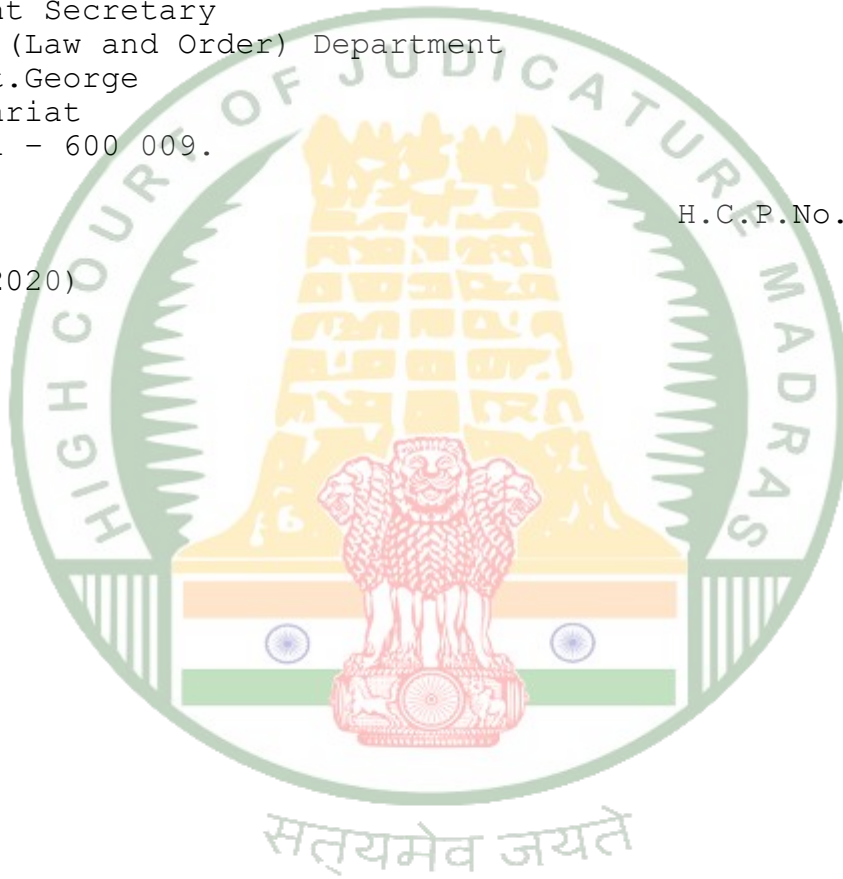
3.The Superintendent,
Central Prison, Puzhal-II
Chennai.

4.The Public Prosecutor,
High Court of Madras,
Chennai.

5.The Joint Secretary
Public (Law and Order) Department
Fort St.George
Secretariat
Chennai - 600 009.

H.C.P.No.514 of 2020

RLD(CO)
CB(07/10/2020)



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