

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.538 of 2020
and
Crl.M.P.No.4293 of 2020

Dhanalakshmi

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Home, Prohibition and Excise Dept.,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Salem City, Salem 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 C.M.P.No.8/ Goonda/Salem City/2020 dated 26.02.2020 on the file of the second respondent herein and quash the same as illegal and direct the respondents to produce the detenu Karthick @ Elumban Karthick, son of Balakrishnan, aged 38 years, now confined at Central Prison, Salem before this Court and set him at liberty.

For Petitioner : Mr.R.Sankarasubbu

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 wife of the detenu has challenged the detention order passed against the detenu in C.M.P.No.8/Goonda/2020/M1 dated 26.02.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of Tamil Nadu Act 14 of 1982 as he has got two adverse cases apart from the ground case registered against him.

3.Heard Mr.R.Sankarasubbu, 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 second adverse case's arrest intimation referred in the grounds of detention occurring in Page Number 57 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.8/Goonda/Salem City/2020 dated 26.02.2020 is quashed. The detenu viz., detenu Karthick @ Elumban Karthick, son of Balakrishnan, aged 38 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 25.02.2021. 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. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

1.The Secretary,
The State of Tamil Nadu,
Home, Prohibition and Excise Dept.,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Salem City, Salem District.

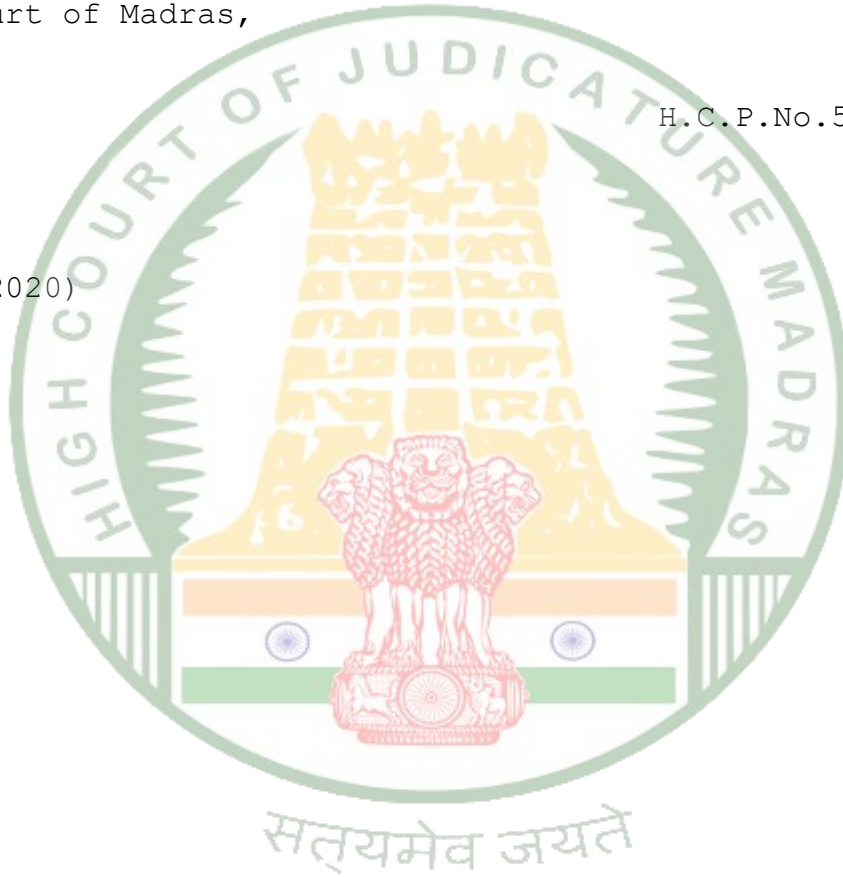
3.The Superintendent,
Central Prison, Salem.

4.The Joint Secretary
Public (Law and Order) Department
Secretariat
Chennai - 600 009.

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

H.C.P.No.538 of 2020

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



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