

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

H.C.P.No.536 of 2020
and
Crl.M.P.No.4973 of 2020

M.Selvi ... Petitioner/Mother of the Detenu

Vs

1.State of Tamil Nadu,
Rep., by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

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

... 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 pertaining to the order of detention passed in BCDFGISSSV No.39/2020 dated on 24.01.2020 passed by the 2nd respondent and set aside the same and directing the respondents to produce the petitioner's son by name Yuvaraja aged about 22 years before this Court now confined in Central Prison, Puzhal, Chennai set him at liberty.

For Petitioner : Mr.K.Thenrajan.

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 mother of the detenu has challenged the detention order passed against the detenu in

BCDFGISSSV No.39/2020 dated 24.01.2020 by the Second Respondent terming him as 'Drug Offender' under Section 2 (e) of Tamil Nadu Act 14 of 1982.

3.Heard Mr.K.Thenrajan, 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 similar case's seizure mahazar referred in the grounds of detention occurring in Page Number 231 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 BCDFGISSSV No.39/2020 dated 24.01.2020 is quashed. The detenu viz., Yuvaraja aged about 22 years 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 23.01.2021. 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. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते -s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.State of Tamil Nadu,
Rep., by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

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

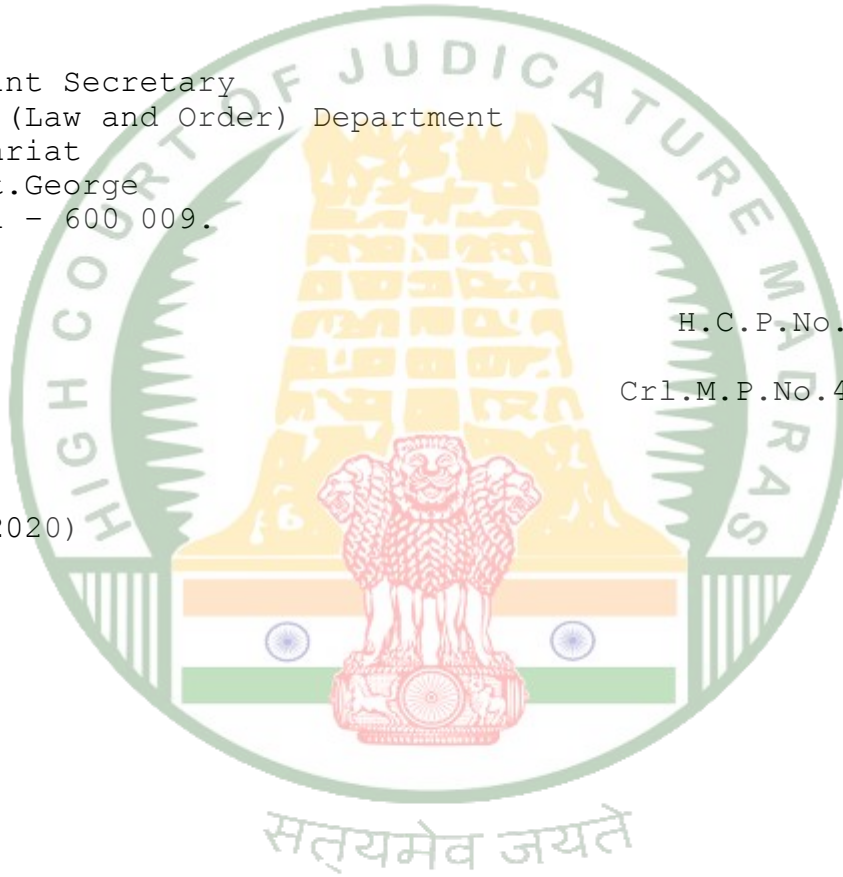
3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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.536 of 2020
and
Cr1.M.P.No.4973 of 2020

LN(CO)
SP(07/09/2020)



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