

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.530 of 2020

S.Samuvelraj

... Petitioner

Vs

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

2.The Commissioner of Police
Chennai City,
Vepery, Chennai - 600 007.

.... 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 03.02.2020 in No.62/BCDFGISSSV/2020 against the petitioner's brother, S.Simson, S/o Simonraj, aged 28 years, who is detained at Central Prison, Puzhal, 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.S.Balasubramaniam

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 brother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Memo No. No.62/BCDFGISSSV/2020 dated 03.02.2020 under the Tamil Nadu Act 14 of 1982 as the detenu has got one adverse case for the offence under Section 302 IPC apart from ground case registered as against him.

3.Heard Mr.S.Balasubramaniam, 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 there was a delay in passing the Detention Order. Though the Detenu was arrested on 16.12.2019, the Detention Order was passed only on 03.02.2020 and the same vitiates the detention order and this petition has to be necessarily allowed.

5.Accordingly, the detention order passed by the Second Respondent in Memo No.62/BCDFGISSSV/2020 dated 03.02.2020 is quashed. The detenu viz., S.Simson, S/o Simonraj, aged 28 years, who is 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 02.02.2021. 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(CS)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Commissioner of Police
Chennai City, Vepery, Chennai - 600 007.

3.The Superintendent,
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.530 of 2020

A.SK(07/10/2020)



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