

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2020

CORAM :

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

H.C.P.No.537 of 2020

Salma Banu ... Petitioner/Wife 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 District Collector and District Magistrate,
Vellore, District,
Vellore - 09.

... 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 by the 2nd respondent in C3/D.O.No.03/2020 dated 10.01.2020 against the petitioner's (Salma Banu) husband by name detenu Thiru Rasool Matheen @ Matheen son of Rasool aged 43 years now confined in Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muruganantham.

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 C3/D.O.No.03/2020 dated 10.01.2020 by the Second Respondent, terming him as 'Drug Offender' under Section 2 (f) of Tamil Nadu Act 14 of 1982.

3.Heard Mr.T.Muruganantham, 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 remand order referred in the grounds of detention occurring in Page Numbers 132 and 133 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 C3/D.O.No.03/2020 dated 10.01.2020 is quashed. The detenu viz., Rasool Matheen @ Matheen son of Rasool aged 43 years now confined in Central Prison, Vellore 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 District Crime Branch, Vellore every Monday at 11.00 A.M., till 09.01.2021 as the case has been transferred to District Crime Branch, Vellore. 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.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

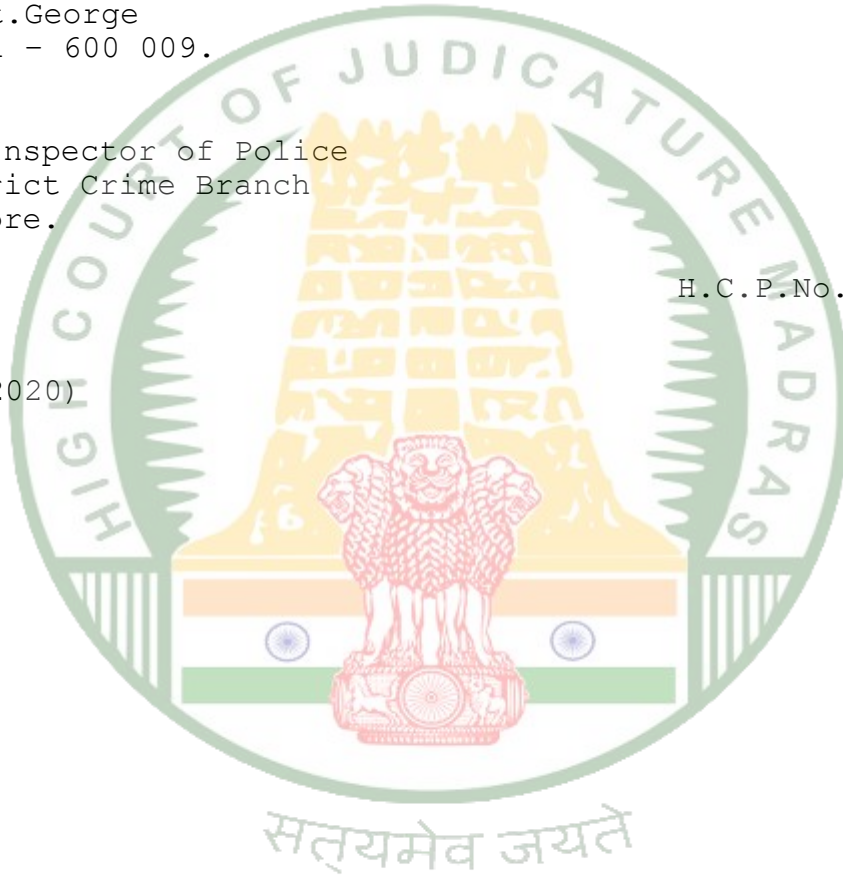
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Rep.by the Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Vellore, District,
Vellore 09.

3. The Superintendent,
Central Prison,
Vellore.
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.

Copy to
The Inspector of Police
District Crime Branch
Vellore.

H.C.P.No.537 of 2020

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