

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.540 of 2020

Angujothi

... Petitioner

Vs

- 1.The Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Salem City, O/o.Commissioner of Police,
Linemedu, Salem - 636 006.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the entire records relating to the petitioner's son detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 29.02.2020 on the file of the second respondent herein made in proceedings Memo C.M.P.No.11/Goonda/Salem City/2020, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's son namely Karthick @ Subash, son of Saravanan, aged 26 years, before this Court and set the petitioner's son at liberty from detention, now the petitioner's son detained at Central Prison, Salem.

For Petitioner : Mr.W.Camyles Gandhi

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 proceedings Memo C.M.P.No.11/ Goonda/Salem City/2020 dated 29.02.2020 by the Second Respondent, terming him as 'Goonda' under Section 2 (f) of Tamil Nadu Act 14 of 1982 as he has got three adverse cases apart from the ground case registered against him.

3.Heard Mr.W.Camyles Gandhi, 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 ground case's arrest intimation copy has not been enclosed in the booklet 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 proceedings Memo C.M.P.No.11/Goonda/Salem City/2020 dated 29.02.2020 is quashed. The detenu viz., Karthick @ Subash, son of Saravanan, aged 26 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 28.02.2021. 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.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

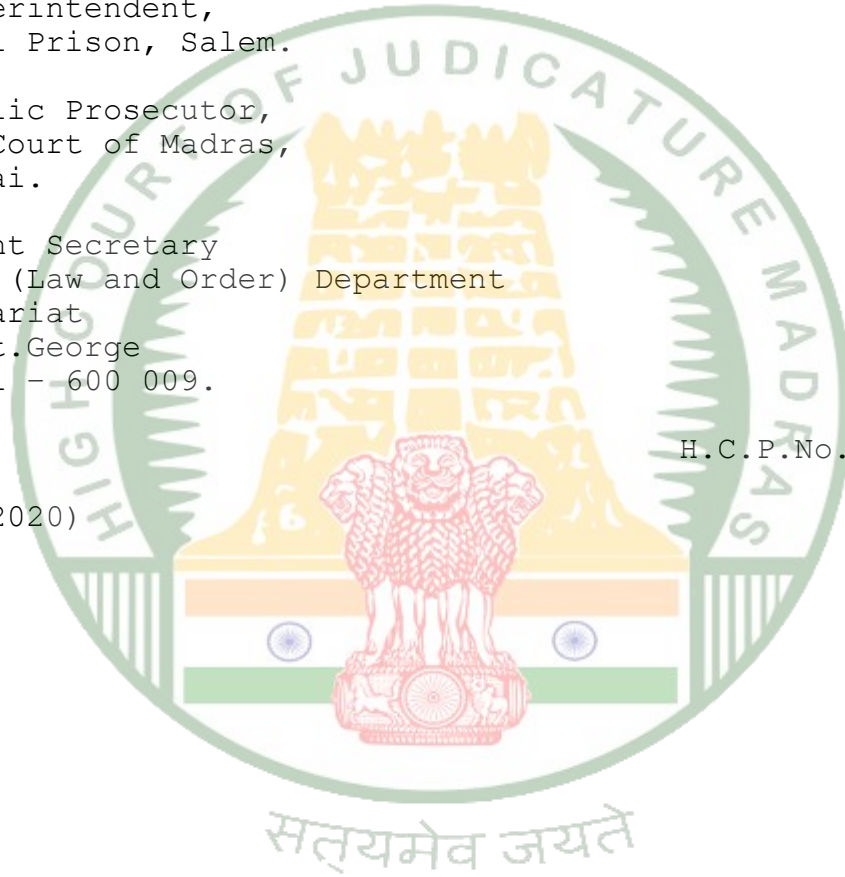
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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Dept.,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Salem City, O/o.Commissioner of Police,
Linemedu, Salem - 636 006.
- 3.The Superintendent,
Central Prison, Salem.
- 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.

VSN II(CO)
CB(01/10/2020)

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