

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM :

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

H.C.P.No.548 of 2020

Divya

....Petitioner/Wife of the Detenu

Vs

1. The Secretary to the Govt.,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. District Collector & District Magistrate of
Tiruvannamalai District, Tiruvannamalai.

.... 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 second respondent dated 28.02.2020 in D.O.No.11/2020-C2 against the petitioner husband Madhan @ Madhankumar, Male aged 24 years S/o.Vembuli, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before the Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents: Mr.T.Shunmuga Rajeswaran,
Government Advocate (Crl. Side)

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.The Wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in D.O.No.11/2020-C2 dated 28.02.2020, terming him as 'Goonda' under the Tamil Nadu Act 14 of 1982 as he has got three adverse cases registered against him for the offence under Section 379 of Indian Penal Code apart from the ground case.

3.Heard Mr.D.Balaji, learned Counsel appearing for the Petitioner and Mr.T.Shunmuga Rajeswaran, learned Government Advocate (Criminal Side) 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 14.01.2020, the Detention Order was passed only on 28.02.2020 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 D.O.No.11/2020-C2 dated 28.02.2020 is quashed. The detenu, viz., Madhan @ Madhankumar, S/o.Vembuli, aged 24 years, who is now confined at 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 jurisdictional Police Station, every Monday at 11.00 A.M., till 27.02.2021. 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.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to the Govt.,
Home Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.District Collector & District Magistrate of
Tiruvannamalai District, Tiruvannamalai.

3.The Superintendent
Central Prison
Vellore

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

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

H.C.P.No.548 of 2020

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



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