

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2020

CORAM :

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

H.C.P.No.570 of 2020

Jeyalakshmi

... Petitioner/
Wife of Detenu

Vs

1. State of Tamil Nadu,
Rep. by the Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai.
2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

...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 Memo No.135/BCDFGISSSV/2020 passed by the second respondent on 25.02.2020, quash the same as illegal and consequently direct the respondents to produce the petitioner's husband Karthick, Son of Ravi aged about 26 years, now confined at Central Prison, Puzhal-II before this Court and set him at liberty.

For Petitioner : Mr.A.Elumalai

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

O R D E R

(Order of the court was made by N.KIRUBAKARAN.J.,
The matter was heard through "Video Conferencing".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in Memo No.135/BCDFGISSSV/2020 dated 25.02.2020 by the Second Respondent under Section 2 (f) of the Tamil Nadu Act 14 of 1982 terming him as 'Goonda'.

3.Heard Mr.A.Elumalai, 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 16.12.2019, the Detention Order was passed only on 25.02.2020. Further, it is seen from the records that Page Numbers 27, 29, 30, 63, 79 and some other pages of the booklet supplied to the detenu are illegible. Hence 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.135/BCDFGISSSV/2020 dated 25.02.2020 is quashed. The detenu, viz., Karthick, Son of Ravi, aged 26 years, who is now 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 24.02.2021. 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

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, St.George Fort,
Chennai - 600 009.

2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

3. The Public Prosecutor,
High Court of Madras,
Chennai.
4. The Joint Secretary to Government,
Public Law and Order,
Fort Saint George, Chennai-9.
5. The Superintendent,
Central Prison,
Puzhal, Chennai.

H.C.P.No.570 of 2020

VG-II (CO)
RV (22/10/2020)



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