

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2020

CORAM :

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

H.C.P.No.670 of 2020

Kannaiyan

... Petitioner

Vs

1. The Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Superintendent of Police,
District Police Office,
Nagapattinam District.
3. The Inspector of Police,
Thalagnayar Police Station,
Vedaranyam Taluk,
Nagapattinam District.
4. The District Collector and District Magistrate,
Collectorate, Nagapattinam District.
5. The Superintendent of Police,
Central Prison, Trichy.

... 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 of the fourth respondent in Memo C.O.C.No.61 of 2019 dated 13.11.2019 and to set aside the same and direct the respondents to produce the detenu Ramesh alias Kattai Ramesh, S/o.Kannaiyan, aged 27 years, presently confined at Central Prison, Tiruchirappalli, before this Court and set him at liberty.

For Petitioner : Mr.K.M.Subrahmaniam

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 Petitioner who is the father of the detenu has challenged the detention order passed against the detenu in Memo C.O.C.No.61 of 2019 dated 13.11.2019 by the fourth Respondent as he has got one adverse case registered against him apart from the ground case. It was also brought to the notice of this Court that he has got 40 previous cases to his credit.

3.Heard Mr.K.M.Subrahmaniam, 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 complaint copy referred in the grounds of detention occurring in Page Number 48 of the booklet is illegible 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 fourth Respondent in Memo C.O.C.No.61 of 2019 dated 13.11.2019 is quashed. The detenu, viz., Ramesh @ Kattai Ramesh, son of Kannaiyan, aged 26 years, who is now confined at Central Prison, Tiruchirappalli, 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 12.11.2020. 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 VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise IX,
Secretariat, St.George Fort,
Chennai - 600 009.
2. The Superintendent of Police,
District Police Office,
Nagapattinam District.
3. The Inspector of Police,
Thalagnayar Police Station,
Vedaranyam Taluk,
Nagapattinam District.
4. The District Collector and District Magistrate,
Collectorate, Nagapattinam District.
5. The Superintendent of Police,
Central Prison, Trichy.
6. The Public Prosecutor,
High Court of Madras, Chennai.
7. The Joint Secretary
Public (Law and Order) Department
Secretariat, Fort St.George
Chennai - 600 009.

H.C.P.No.670 of 2020

SPD(CO)
CS/04/11/2020