

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM :

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

H.C.P.No.567 of 2020

Krishnamoorthy

... Petitioner

Vs

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

2.The District Collector and District Magistrate,  
Nagapattinam District,  
Nagapattinam.

... 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 relating to the petitioner's wife detention under Tamil Nadu Act 14 of 1982 vide detention order, dated 28.02.2020 on the file of the second respondent made in proceedings Memo C.O.C.No.05/2020, quash the same as illegal and consequently direct the respondents to produce the petitioner's wife namely Murugeswari, W/o.Krishnamoorthy, aged 55 years before this Court and set the detenu at liberty from detention, now the detenu detained at Special Prison for Women, Tiruchirappalli.

For Petitioner : Mr.J.Jawahar

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 husband of the detenu has challenged the detention order passed against the detenu in

Memo C.O.C.No.05/2020 dated 28.02.2020 by the Second Respondent under Section 2 (b) of the Tamil Nadu Act 14 of 1982 terming her as 'BOOTLEGGER' as she has got five adverse cases registered against her apart from the ground case.

3.Heard Mr.J.Jawahar, 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 there was a delay in passing the Detention Order. Though the detainee was arrested on 29.01.2020, 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 Memo C.O.C.No.05/2020 dated 28.02.2020 is quashed. The detainee, viz., Murugeswari, W/o.Krishnamoorthy, aged 55 years, now confined in Special Prison for Women, Tiruchirappalli is directed to be set at liberty forthwith unless her 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 detainee 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 detainee 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 detainee does not repeat the commission of offence and that the police can also have a watch over the movement of the detainee, even if she is outside the prison. Accordingly, this petition is allowed.

Sd/-  
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

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

2.The District Collector and District Magistrate,  
Nagapattinam District,  
Nagapattinam.

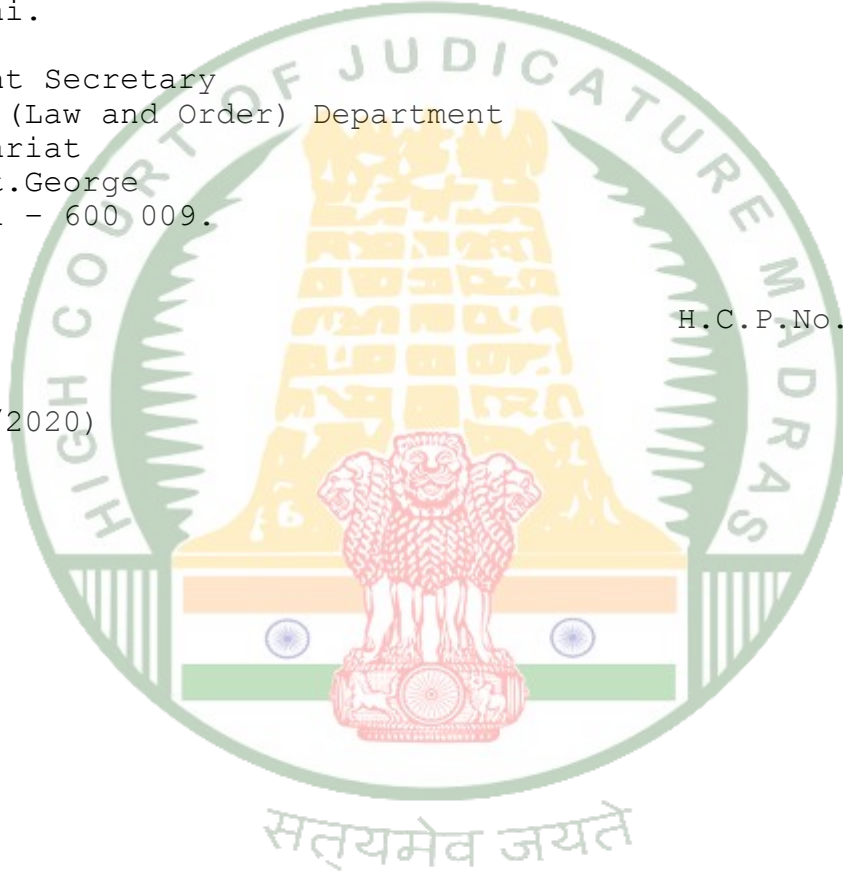
3.The Superintendent of Prison,  
Special Prison for Women,  
Tiruchirappalli.

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.

H.C.P.No.567 of 2020

PA (CO)  
GMY (09/11/2020)



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