

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.580 of 2020

M.Lokeshwari

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.

... 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 second respondent in Memo No.104/BCDFGISSSV/2020 dated 19.02.2020 and set aside the same and direct the respondents to produce the petitioner's husband Madhan, Son of Raghavan, aged 44 years, now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.C.K.M.Appaji

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 wife of the detenu has challenged the detention order passed against the detenu in Memo No.104/BCDFGISSSV/2020 dated 19.02.2020 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

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the ground case registered against him. It is also brought to the notice of this Court that he has also got two previous cases and out of the said cases, one case has been registered for the offence under Section 302 of Indian Penal Code.

3.Heard Mr.C.K.M.Appaji, 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 signature of the detenu has not been obtained in the arrest intimation occurring in Page Number 203 of 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 Memo No.104/BCDFGISSSV/2020 dated 19.02.2020 is quashed. The detenu viz., Madhan, Son of Raghavan, aged 44 years, 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 18.02.2021. 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(CS-III)

सत्यमेव जयते

//True Copy//

Sub Assistant Registrar

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To

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

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2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai - 600 007.

3.The Superintendent of Prison,
Central Prison, Puzhal,
Chennai.

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.580 of 2020

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