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.584 of 2020

Rajeshwari ...Petitioner

Vs

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

2.District Collector & District Magistrate,
Tirupathur District,
Tirupathur - 635 601. ...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.C3/D.O.No.11/2020 dated 05.03.2020 against the petitioner husband Krishnan, S/o.Sivalingam, aged 35 years, who is confined at Central Prison, Vellore and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Balaji

For Respondents: Mr.R.Prathap Kumar,
Additional Public Prosecutor

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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.C3/D.O.No.11/2020 dated 05.03.2020 by the Second Respondent, terming him as 'BOOTLEGGER' under Section 2 (b) of Tamil Nadu Act 14 of 1982 as he has got four adverse cases apart from the

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ground case registered against him. It was also brought to the notice of this Court that he has got 23 previous cases to his credit.

3.Heard Mr.D.Balaji, 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 remand order referred in the grounds of detention occurring in Page Numbers 66 and 67 of the booklet has not been properly translated 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 Second Respondent in Memo No.C3/D.O.No.11/2020 dated 05.03.2020 is quashed. The detenu, viz., Krishnan, S/o.Sivalingam, aged 35 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 04.03.2021. 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(CCC)

//True Copy//

Sub Assistant Registrar

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To

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

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2.District Collector & District Magistrate,
Tirupathur District,
Tirupathur - 635 601.

3.The Superintendent,
Central Prison, Vellore.

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.584 of 2020

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