

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2020

CORAM :

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

H.C.P.No.593 of 2020

Gopi

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by its Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
The 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 relating to the detention order in Memo No.122/BCDFGISSSV/2020, dated 21.02.2020 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's son-in-law Akbar Basha @ Akbar, S/o.Anwar Basha, aged about 25 years, the detenu now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.S.Rajkumar

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 father-in-law of the detenu has challenged the detention order passed against the detenu in Memo

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No.122/BCDFGISSSV/2020, dated 21.02.2020 by the Second Respondent, terming him as 'DRUG OFFENDER' under Section 2 (e) of Tamil Nadu Act 14 of 1982 as he has got one adverse case apart from the ground case registered against him.

3.Heard Mr.S.Rajkumar, 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 132 and 133 of the booklet have 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.122/BCDFGISSSV/2020, dated 21.02.2020 is quashed. The detenu, viz., Akbar Basha @ Akbar, S/o.Anwar Basha, aged about 25 years, now confined in 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 20.02.2021. 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-VII)

//True Copy//

Sub Assistant Registrar

mbi

To

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

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

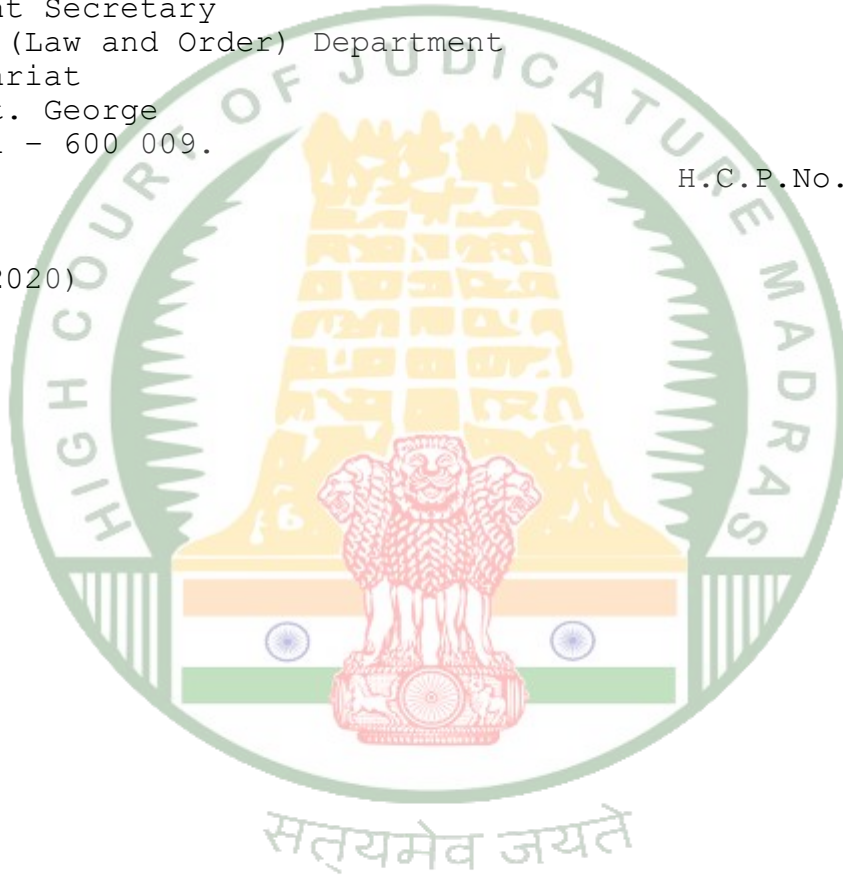
3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.

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.

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RSV(CO)
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