

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.604 of 2020

Geetha

... Petitioner

Vs

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

2.Commissioner of Police,
Greater Chennai.

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

4.Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.

... 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.42/BCDFGISSSV/2020 dated 27.01.2020 against the petitioner husband Kaviyarasu @ Kavi, s/o.Suresh, aged 30 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.S.Senthilvel

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 Conferencing".

2.The Petitioner who is the wife of the detenu has challenged the detention order passed against the detenu in Memo No.42/BCDFGISSSV/2020 dated 27.01.2020 by the Second Respondent as he has got two adverse cases registered against him apart from the ground case.

3.Heard Mr.S.Senthilvel, 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 similar case's form 91 referred in the grounds of detention occurring in Page Number 150 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 Second Respondent in Memo No.42/BCDFGISSSV/2020 dated 27.01.2020 is quashed. The detenu, viz., Kaviyarasu @ Kavi, s/o.Suresh, aged 30 years, who is 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 26.01.2021. 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

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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.Commissioner of Police,
Greater Chennai.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 4.Inspector of Police,
T-10, Thirumullaivoyal Police Station,
Chennai.
- 5.The Public Prosecutor,
High Court of Madras,
Chennai.
- 6.The Joint Secretary
Public (Law and Order) Department
Secretariat
Fort St.George
Chennai - 600 009.

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