

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.624 OF 2020

S.Selvi

... Petitioner

Vs

1. The Additional Chief Secretary to Govt.,
Home, Prohibition and Excise Dept.,
Secretariat, Chennai - 9.

2. The Commissioner of Police,
The Greater Chennai,
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 in connection with the order of detention passed by the second respondent on 24.01.2020 in Memo.No.41/BCDFGISSSV/2020 against the petitioner's husband Saranraj @ Saran, S/o.Purushothaman, aged about 31 years, who is confined at Central Prison, Trichy and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.V.Paarthiban

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

WEB COPY
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.41/BCDFGISSSV/2020 dated 24.01.2020 by the Second Respondent under Section 2 (f) of the Tamil Nadu Act 14 of 1982

terming him as 'Goonda' as he has got two adverse cases registered against him apart from the ground case and out of the said two cases, one case was registered for the offence under Section 302 of Indian Penal Code.

3. Heard Mr.V.Paarthiban, 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 Detenu was arrested on 06.12.2019, the Detention Order was passed only on 24.01.2020 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.No.41/BCDFGISSSV/2020 dated 24.01.2020 is quashed. The detenu, viz., Saranraj @ Saran, S/o.Purushothaman, aged about 31 years, now confined in Central Prison, Trichy 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 23.01.2021. 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

//True Copy//

Sub Assistant Registrar

mbi

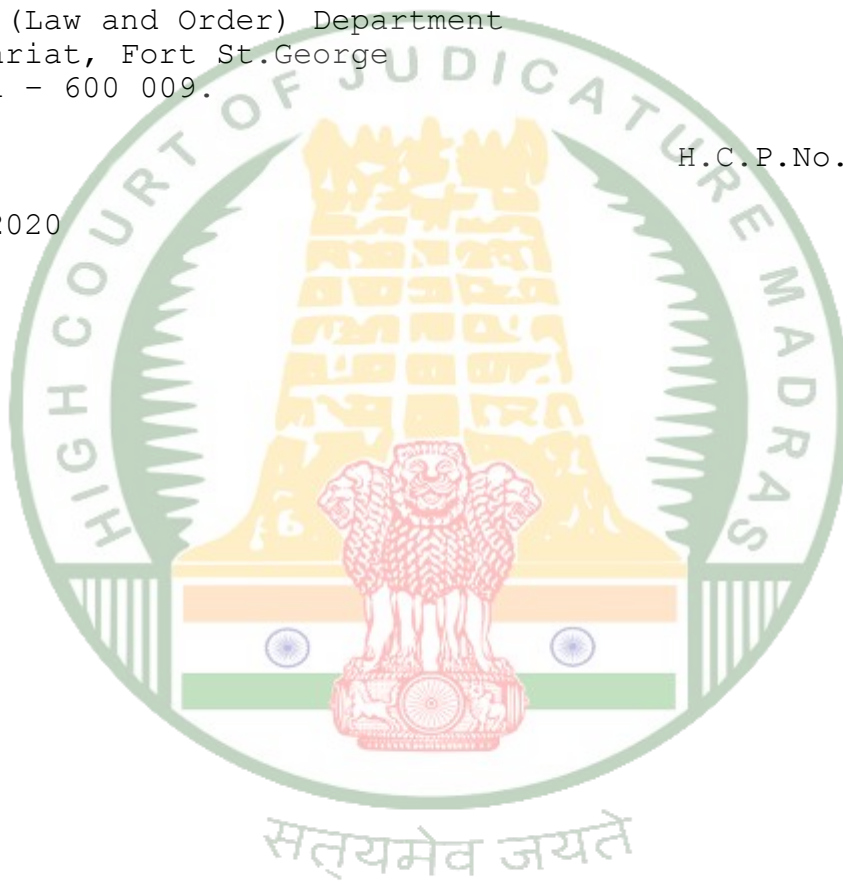
To

1. The Additional Chief Secretary to Govt.,
Home Prohibition and Excise Dept.,
Secretariat, Chennai - 9.

2. The Commissioner of Police,
The Greater Chennai,
Vepery, Chennai - 600 007.
3. The Superintendent of Prison,
Central Prison, Trichy.
4. The Public Prosecutor,
High Court, Madras,
5. The Joint Secretary
Public (Law and Order) Department
Secretariat, Fort St. George
Chennai - 600 009.

AJS (CO)
CS/10/11/2020

H.C.P.No.624 of 2020



WEB COPY