

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.628 of 2020

Saranya

... Petitioner

Vs

- 1.The State,
Rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Vepery, Chennai - 600 007.
- 3.The Inspector of Police,
NIBCID, Chennai Unit,
Chennai.
- 4.The Superintendent,
Central Prison,
Puzhal, Chennai.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus against the detention order passed by the second respondent in BCDFGISSSV/137/2020 dated 25.02.2020 directing the respondents to produce the detenu, Magendran, aged 39 years, S/o.Ayyappan, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.R.C.Paul Kanagaraj

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 BCDFGISSSV/137/2020 dated 25.02.2020 by the Second Respondent, terming him as 'DRUG OFFENDER' under Section 2 (e) of Tamil Nadu Act 14 of 1982.

3.Heard Mr.R.C.Paul Kanagaraj, 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 seizure mahazar referred in the grounds of detention occurring in Page Number 169 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 BCDFGISSSV/137/2020 dated 25.02.2020 is quashed. The detenu, viz., Magendran, S/o.Ayyappan, aged 39 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 24.02.2021. 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)

//True Copy//

Sub Assistant Registrar

To

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

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

3.The Inspector of Police,
NIBCID, Chennai Unit,
Chennai.

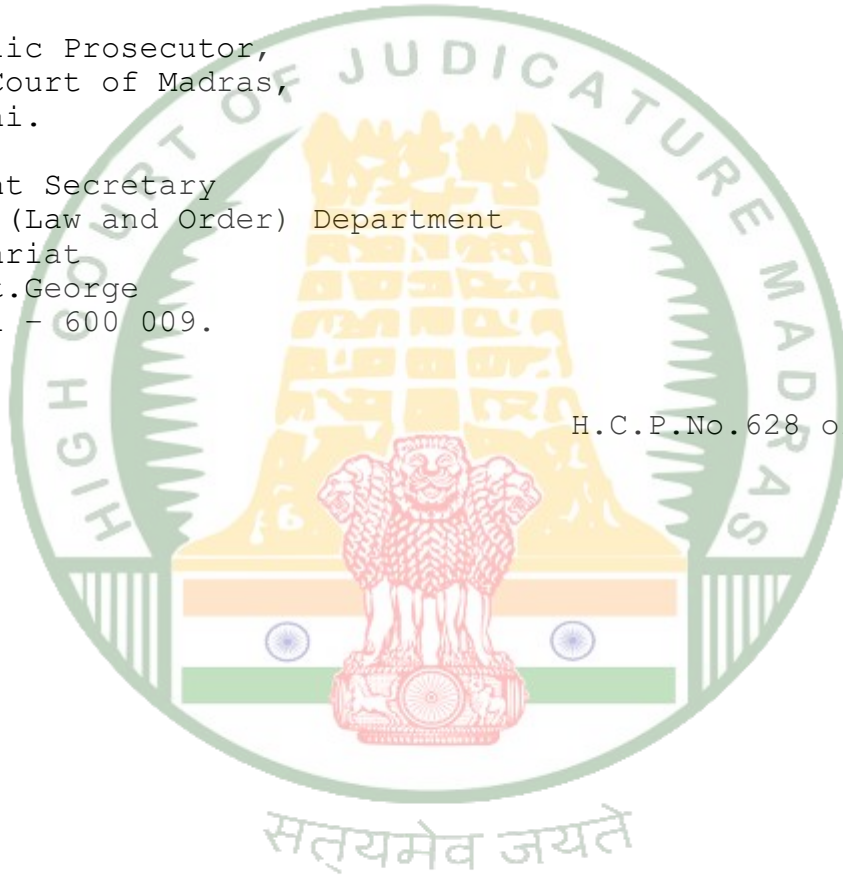
4.The Superintendent,
Central Prison,
Puzhal, Chennai.

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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