

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

CORAM :

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

H.C.P.No.916 of 2020

P.Rajam

... Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
 - 2.The District Collector and District Magistrate
O/o. The District Collector and District Magistrate,
Nagapattinam District,
Nagapattinam.
 - 3.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
 - 4.The Superintendent,
Central Prison, Tiruchirappalli.
 - 5.The Inspector of Police,
Prohibition Enforcement Wing,
Mayiladuthurai,
Nagapattinam District.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Habeas Corpus calling for the entire records in detention order passed in C.O.C.No.06/2020 dated 28.02.2020 on the file of the second respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the petitioner's son namely Sakkarai @ Charles, S/o.Pandiyan, male aged 27 years, who is detained in Central Prison, Tiruchirappalli before this Court and set him at liberty.

For Petitioner : Mr.K.A.S.Prabhu
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 Mother of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in C.O.C.No.06/2020 dated 28.02.2020, terming him as 'Bootlegger' under the Tamil Nadu Act 14 of 1982 as he has got two adverse cases registered against him apart from the ground case.

3.Heard Mr.K.A.S.Prabhu, 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 19.01.2020, the Detention Order was passed only on 28.02.2020 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 C.O.C.No.06/2020 dated 28.02.2020 is quashed. The detenu viz., Sakkarai @ Charles, S/o.Pandiyan, male aged 27 years, who is detained in Central Prison, Tiruchirappalli 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 and Friday at 11.00 A.M., till 27.02.2021. 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.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
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Secretariat, Chennai - 600 009.
- 2.The District Collector and District Magistrate
O/o. The District Collector and District Magistrate,
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- 3.The Superintendent of Police,
Nagapattinam District,
Nagapattinam.
- 4.The Superintendent,
Central Prison, Tiruchirappalli.
- 5.The Inspector of Police,
Prohibition Enforcement Wing,
Mayiladuthurai,
Nagapattinam District.
- 6.The Public Prosecutor,
High Court of Madras,
Chennai.
- 7.The Joint Secretary,
Public (Law and Order) Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

H.C.P.No.916 of 2020

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