

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
H.C.P.No.1138 of 2020

Noorjahan

... Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by the Additional Chief 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,
Perambalur District,
Perambalur.
- 3.The Superintendent of Police,
Perambalur District,
Perambalur.
- 4.The Superintendent,
Central Prison,
Tiruchirappalli.
- 5.The Inspector of Police,
Perambalur Police Station,
Perambalur 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 connection with the detention order passed in Cr.M.P.No.01/2020 dated 10.01.2020 on the file of the 2nd respondent herein and set aside the same as illegal and direct the respondents to produce the body or person of the Petitioner's husband namely Rafik alias Karibalti, S/o.Navath Basha, male, aged 28 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 wife of the detenu has filed this Petition challenging the detention order passed by the Second Respondent in Cr.M.P.No.01/2020 dated 10.01.2020, terming him as 'Goonda' under the Tamil Nadu Act 14 of 1982 as he has got nine previous cases including the adverse case and ground case registered against him and it is seen that out of the said cases, one case has been registered under Section 302 of Indian Penal Code and he is a History Sheeter.

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 06.12.2019, the Detention Order was passed only on 10.01.2020 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 Cr.M.P.No.01/2020 dated 10.01.2020 is quashed. The detenu viz., Rafik alias Karibalti, S/o.Navath Basha, male, aged 28 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.Only on technical grounds, 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 Perambalur Police Station, Perambalur District every monday at 11.00 A.M., till 09.01.2021. The very purpose of this direction is to see that the detenu does not repeat this

commission of offence so that police can also have a watch over the movement of the detenu, even if he is outside the prison.

7. In the above terms, this Petition is ordered.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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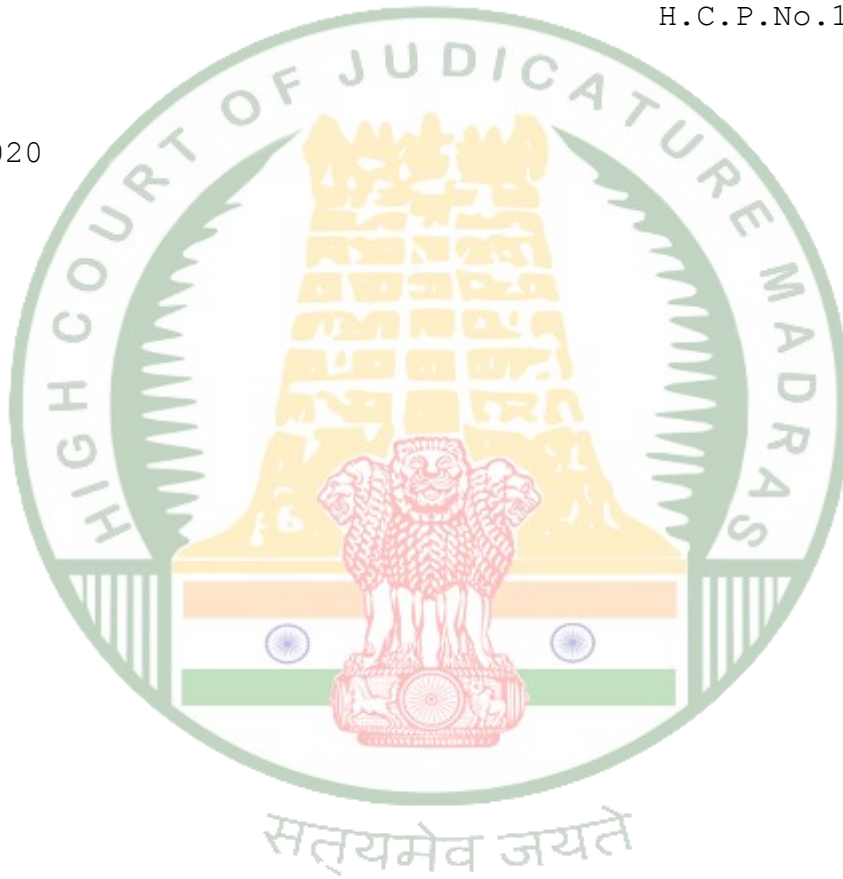
To

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4. The Superintendent,
Central Prison,
Tiruchirappalli.
5. The Inspector of Police,
Perambalur Police Station,
Perambalur 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.1138 of 2020

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