

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM

AND

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Habeas Corpus Petition No.1466 of 2015

Nagaraj
S/o.Jayaraman

... Petitioner

-vs-

1.State of Tamil Nadu
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur. ... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus to call for the records pertaining to detention order passed by second respondent against the detenu Nagaraj, Male, aged about 22 years, S/o.Jayaraman, in BCDFGISSSV No.10 of 2015 dated 27.04.2015, quash the same and consequently, to direct the respondent to produce the detenu before this Court and set him at liberty, detained in Central Prison-II, Puzhal, Chennai.

For Petitioner : Mr.C.C.Chellappan
For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

O R D E R

(The order of the Court was made by C.T.SELVAM, J.)

Petitioner/detenu has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in BCDFGISSSV No.10 of 2015 dated 27.04.2015. Such order is under challenge herein.

2. The detenu came to adverse notice in Crime No.82 of 2015 on the file of C2 Periyapalayam Police Station for offences u/s.380 and 302 IPC. The ground case has been registered against the detenu in Crime No.87 of 2015 on the file of Periyapalayam Police Station for offences u/s.341, 294(b), 392 and 506(ii) IPC.

3. Amidst several grounds raised, learned counsel for petitioner submits that towards informing the possibility of the detenu being released on bail, orders of bail passed in (i) Crl.M.P.No.220 of 2014, in connection with the case in Crime No.130 of 2013 on the file of Pullarambakkam Police Station, for offences u/s.147, 148, 324, 302 r/w 120(b) IPC and (ii) C.M.P.No.46 of 2015, in connection with the case in Crime No.20 of 2015 on the file of Thiruninravoor Police Station for offences u/s.294(b), 323, 392 and 506(ii) IPC, have been referred to by the detaining authority. The order copies therein have been furnished to the detenu, but the bail applications in such cases have not been furnished and that the same adversely has affected the detenu's right of making an effective representation.

4. We have heard learned Additional Public Prosecutor on the above submissions.

5. Non furnishing of relevant documents would deprive the detenu the opportunity of making effective representation to the authorities concerned. The same amounts to infringement of right enshrined under Article 22(5) of the Constitution of India and would vitiate the order of detention. For the aforesaid reason, this Court would allow the present petition.

6. This Habeas Corpus Petition is allowed. The detention order passed by second respondent against the detenu Nagaraj, S/o.Jayaraman, made in BCDFGISSSV No.10 of 2015 dated 27.04.2015, is quashed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

The present order is only for the purpose of disposal of this petition and shall not have any bearing upon connected criminal cases pending before the competent Court.

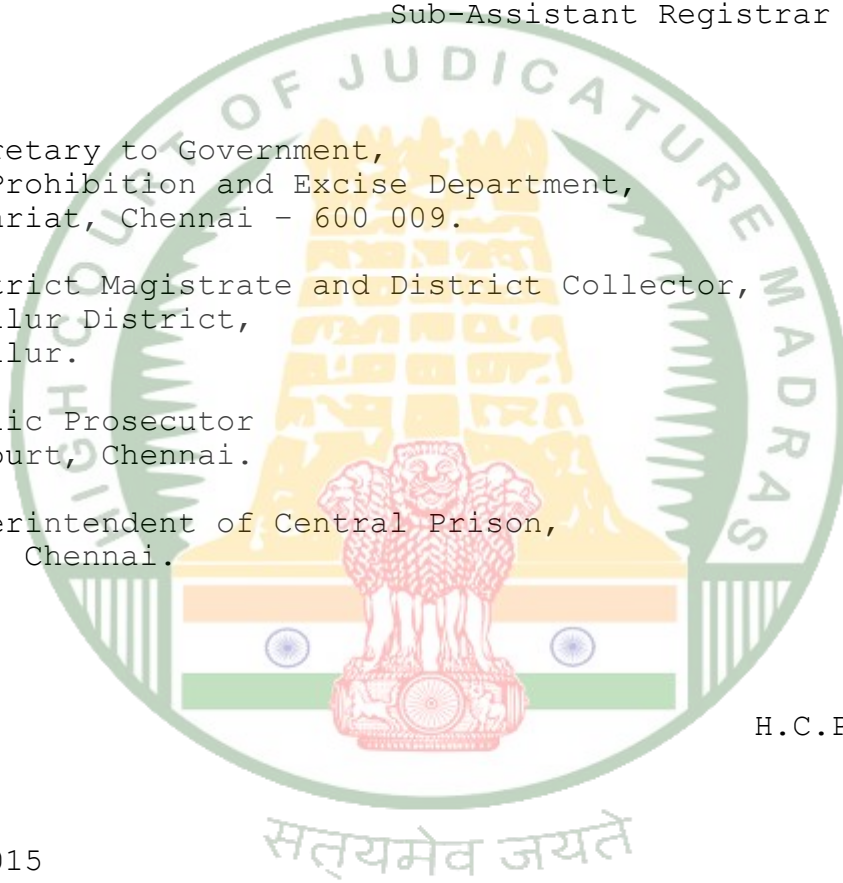
-s/d-
Assistant Registrar(CSIII)
dt:13/10/2015

True Copy

Sub-Assistant Registrar

gm
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The District Magistrate and District Collector,
Tiruvallur District,
Tiruvallur.
- 3.The Public Prosecutor
High Court, Chennai.
- 4.The Superintendent of Central Prison,
Puzhal, Chennai.



H.C.P.No.1466 of 2015

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