

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM

THE HONOURABLE DR.JUSTICE S.TAMILVANAN
and
THE HONOURABLE MR.JUSTICE C.T.SELVAM

H.C.P.No.1513 of 2015

Renuka
W/o.Venkatesalu

...Petitioner

vs.

1. The State of Tamil Nadu,
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.
2. The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 7.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus to call for the records pertaining to detention order passed by second respondent in BCDFGISSSV No.417 of 2015 dated 30.05.2015 against the detenu Venkatesalu S/o.Ravanaiah, aged 43, quash the same and consequently, direct the respondents to produce the detenu, who is confined at Central Prison, Puzhal, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.M.Rajavelu

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

WEB COPY

O R D E R

[Order of the Court was made by S.TAMILVANAN, J.]

Petitioner is the wife of the detenu Venkatesalu S/o.Ravanaiah, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in BCDFGISSSV No.417 of 2015 dated 30.05.2015. Such order is under challenge herein.

2. The detenu came to adverse notice in the case in Crime No.807 of 2015 on the file of G.3 Kilpauk Police Station for offences u/s.341 and 302 IPC. The ground case has been registered against the detenu in Crime No.818 of 2015 on the file of G.3 Kilpauk Police Station for offences under Sections 341, 294(b), 323, 336, 427, 397 and 506(ii) IPC.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

4. Learned counsel for petitioner submitted that page Nos.367 to 271 and certain other pages in the booklet furnished to the detenu are illegible and could not be read at all. This illegible copies would deprive the detenu of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on these grounds and the same is liable to be quashed.

5. Per contra, learned Additional Public Prosecutor would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of petitioner. Therefore, he submits that the Habeas Corpus Petition does not merit any consideration and the same is liable to be dismissed.

6. A perusal of the booklet supplied to the detenu would show that the copies of documents referred and relied upon by the Detaining Authority, in particular, page Nos.94, 95, 112, 113, 118, 119 etc., are illegible and are totally unreadable. This has resulted in the detenu being deprived of making an effective representation. Therefore, the detention order is vitiated and liable to be quashed on this ground alone. This order is made only towards setting aside the order of detention passed against the detenu herein. Any bail applications moved by the detenu in the ground case or in the adverse case, necessarily would have to be considered by the Court concerned solely on merits uninfluenced by

the order of this Court.

The detention order passed by second respondent, detaining the detenu Venkatesalu S/o.Ravanaiah, aged about 43 years, made in BCDFGISSSV No.417 of 2015 dated 30.05.2015, is quashed and the Habeas Corpus Petition is allowed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.
2. The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 7.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.
5. The Public Prosecutor,
High Court, Madras.

SKV (CO)
PSI (08.10.2015)

H.C.P.No.1513 of 2015