

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

H.C.P.No.1515 of 2015

Ranganathan
S/o.Jayapaul

.. Petitioner

vs

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

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

.. Respondents

This Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a writ of Habeas Corpus to call for the records pertaining to the detention order passed by second respondent in Memo No.418/BCDFGISSSV/2015 dated 30.05.2015 against the detenu Sathya @ Sathiyaraj S/o.Perumal, aged about 24 years 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

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

Petitioner is the brother of the detenu, Sathya @ Sathiyaraj S/o.Perumal, who has been branded as "Goonda" under Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo No.418/BCDFGISSSV/2015 dated 30.05.2015.

Such order is under challenge herein.

2. The detenu came to adverse notice in the following case:-

Sl.No.	Police Station and Crime No.	Sections of Law
1.	G.3 Kilpauk Police Station, Crime No.807 of 2015	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 Police Station for offences under Sections 341, 294(b), 323, 336, 427, 397 and 506(ii) IPC.

3. Learned counsel for petitioner submitted that page Nos.267 and 268 in the booklet furnished to the detenu are illegible. Learned counsel informs that the same adversely has affected his right of making an effective representation.

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

5. When the documents furnished to the detenu are illegible, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

6. The impugned order of second respondent, detaining the detenu, Sathya @ Sathiyaraj S/o.Perumal, made in Memo No.418/BCDFGISSSV/2015 dated 30.05.2015, is quashed and the Habeas Corpus Petition is allowed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

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

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

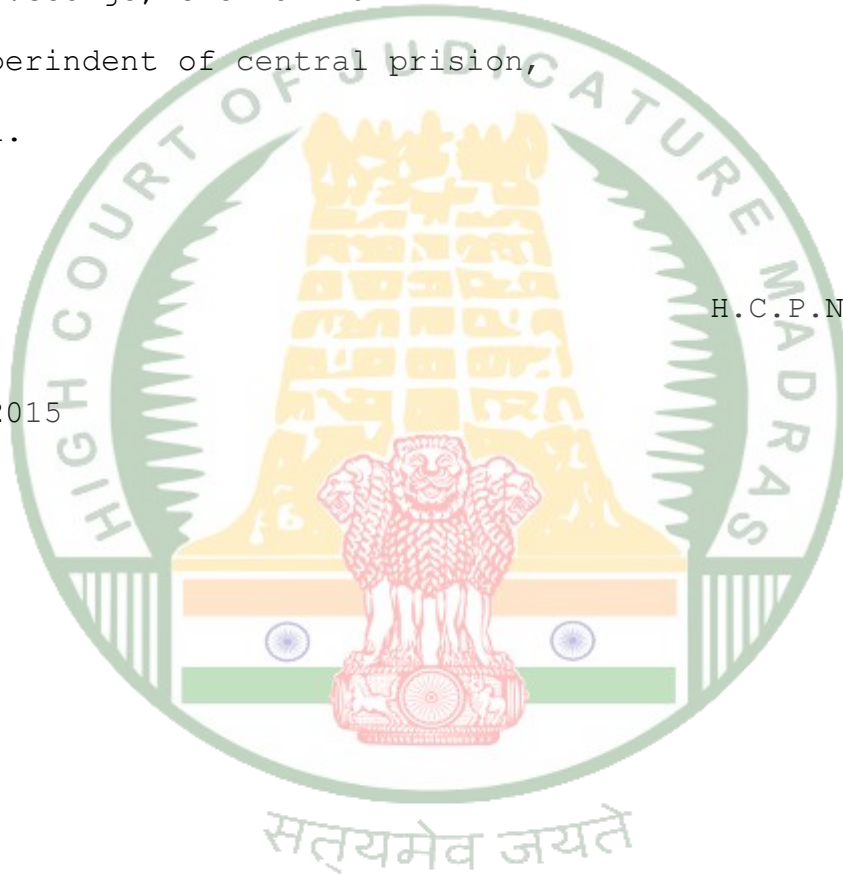
3.The Public Prosecutor,
High Court, Chennai.

4. The Joint Secretary to Govet.
Public(Law&Order)
fort.St.George, chennai -9

5. The Superindent of central prision,
Puzhal,
chennai.

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