

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2015

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Habeas Corpus Petition No.1618 of 2015

Baskar
S/o.Saminathan

...Petitioner

-vs-

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Office of the Commissioner of Police
(Goondas Section),
Egmore, Chennai.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.

...Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a writ of Habeas Corpus calling for the entire records connected with the detention order of the second respondent in No.451/BCDFGISSSV/2015 dated 13.06.2015 and quash the same and direct the respondents to produce the body and person of the petitioner's brother, by name, Devendran @ Deva, son of Saminathan, aged about 27 years, detained in Central Prison, Puzhal, Chennai, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Raj Prabhu

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 is the brother of the detenu Devendran @ Deva, son of Saminathan, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in No.451/BCDFGISSSV/2015 dated 13.06.2015. Such order is under challenge herein.

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

S1.No.	Police Station and Crime No.	Sections of Law
1	H-5 New Washermenpet Police Station, Crime No.1416 of 2014	380 IPC
2	T-12 Ponnammallee Police Station, Crime No.351 of 2015	379 IPC
3	T-5 Thiruverkadu Police Station, Crime No.13 of 2015	454, 380 IPC
4	T-5 Thiruverkadu Police Station, Crime No.147 of 2015	380 IPC
5	T-5 Thiruverkadu Police Station, Crime No.166 of 2015	380, 511 IPC
6	T-5 Thiruverkadu Police Station, Crime No.241 of 2015	379 IPC
7	T-5 Thiruverkadu Police Station, Crime No.428 of 2015	394 IPC
8	T-5 Thiruverkadu Police Station, Crime No.464 of 2015	379 IPC
9	T-5 Thiruverkadu Police Station, Crime No.504 of 2015	457, 511 IPC

The ground case has been registered against the detenu in Crime No.603 of 2015 on the file of T-5 Thiruverkadu Police Station for offences u/s.341, 294(b), 323, 427, 392, 397 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 by learned District Munsif cum Judicial Magistrate, Sriperumbudur, in CrI.M.P.No.4610 of 2011, on 10.12.2011, in connection with the case in Crime No.737 of 2011 on the file of T-14 Mangadu Police Station, for offences u/s.454, 380, 511 IPC @ 454, 380 IPC and by learned Principal Sessions Judge, Thiruvallur, in CrI.M.P. No.2392 of 2012, on 30.10.2012, in connection with the case in Crime No.1960 of 2012 on the file of T-1 Ambattur Police Station, for offences u/s.341, 294(b), 336, 427, 392, 397 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 case 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.

This Habeas Corpus Petition is allowed. The impugned order passed by second respondent against the detenu Devendran @ Deva, son of Saminathan, made in No.451/BCDFGISSSV/2015 dated 13.06.2015, is quashed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

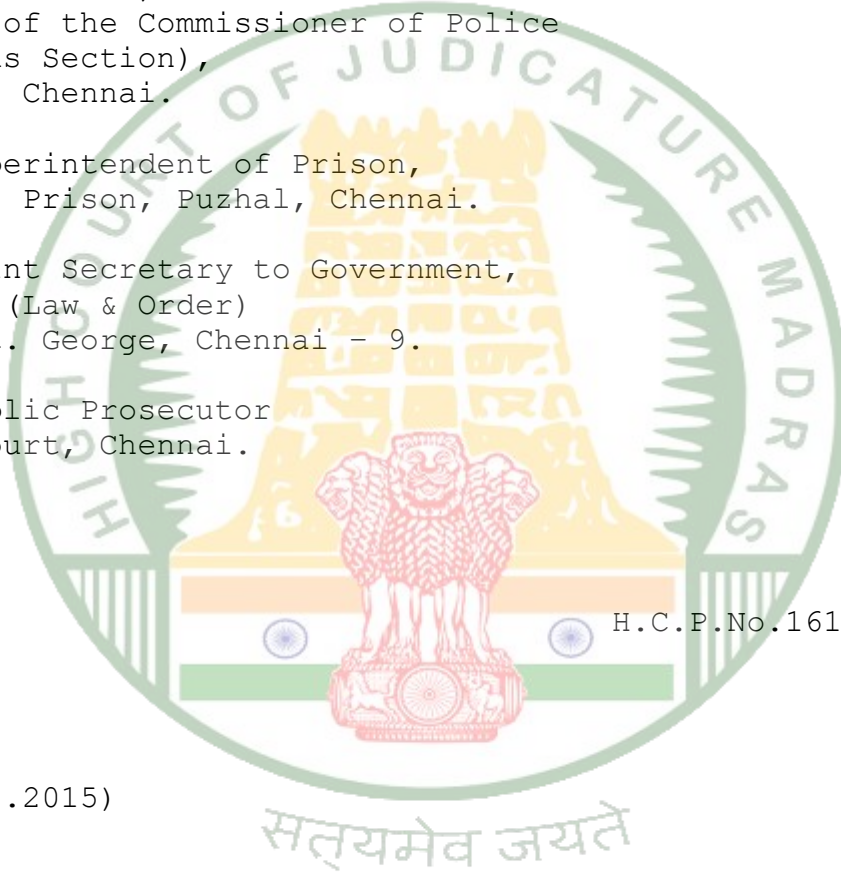
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Sub Assistant Registrar

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To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Police,
Chennai Police,
Office of the Commissioner of Police
(Goondas Section),
Egmore, Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Joint Secretary to Government,
Public (Law & Order)
Fort St. George, Chennai - 9.
5. The Public Prosecutor
High Court, Chennai.



H.C.P.No.1618 of 2015

SKV (CO)
PSI (19.10.2015)

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