

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2015

C O R A M

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

Habeas Corpus Petition No.1621 of 2015

Andal
W/o.Venkatesan

... Petitioner

-vs-

The State represented by its

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

2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.

... 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 Sweety @ Swetleen S/o.Venkatesan, aged about 28 years, in C3/D.O/22/2015 dated 19.05.2015, quash the same and consequently, to direct the respondents to produce the detenu, who is at present confined at Central Prison, Cuddalore, before this Court and set him at liberty.

For Petitioner : Mr.S.Manoharan

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 mother of the detenu Sweety @ Swetleen S/o.Venkatesan, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in C3/D.O/22/2015 dated 19.05.2015. Such order is under challenge herein.

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

Sl.N o.	Police Station and Crime No.	Section of law
1	Vellimedupettai Police Station, Crime No.63 of 2011	147, 148, 302 r/w 149 IPC and 109 r/w 147, 148, 364, 302 and 120-B, r/w 147, 148, 364, 302 IPC
2	Vridhachalam Police Station, Crime No.602 of 2013	399 IPC
3	Ramanatham Police Station, Crime No.270 of 2014	147, 148, 449 IPC and 120-B r/w 302 IPC and 109,302 r/w 149 IPC

The ground case has been registered against the detenu in Crime No.334 of 2015 on the file of Vridhachalam Police Station for offences u/s.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, order of bail passed by learned District Sessions Judge, Cuddalore, in CrI.M.P.No.3486 of 2014 in connection with the case in Crime No.411 of 2014 on the file of Vridhachalam Police Station, has been referred to by the detaining authority. The order copy therein has been furnished to the detenu, but the bail application in such case has 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 Sweety @ Swetleen S/o.Venkatesan, made in C3/D.O/22/2015 dated 19.05.2015, 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.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government (Home),
Prohibition and Excise Department,
Government of Tamilnadu,
Fort St.George,
Chennai - 600 009.
2. The District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
3. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
4. The Superintendent of Central Prison,
Cuddalore.
5. The Public Prosecutor
High Court, Chennai.

H.C.P.No.1621 of 2015

KU(CO)
CA(30/10/2015)