

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.1739 of 2015

Senthamilselvan (a) Raja
S/o.Poongavanam ... Petitioner

vs.

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

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

... 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.404 of 2015 dated 15.05.2015 against the detenu Senthamilselvan @ Raja S/o.Poongavanam, aged 23, quash the same and consequently, direct the respondents to produce the detenu, who is confined at Central Prison, Puzhal II, Chennai, before this Court and set him at liberty.

For Petitioner : Mr.C.C.Chellappan

For Respondents : Mr.M.Maharaja

Additional Public Prosecutor

O R D E R

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

Petitioner/detenu Senthamilselvan @ Raja S/o.Poongavanam 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.404 of 2015 dated 15.05.2015. Such order is under challenge herein.

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

Sl.No.	Crime No. and Police Station	Sections of Law
1.	J-13 Tharamani Police Station, Crime No.595 of 2013	379 IPC
2.	J-9 Thuraipakkam Police Station, Crime No.1596 of 2013	342, 323, 307 IPC r/w 3 (1) of TNPPDL Act
3.	J-9 Thuraipakkam Police Station, Crime No.972 of 2014	341, 294(b), 384 & 506 (ii) IPC
4.	J-9 Thuraipakkam Police Station, Crime No.984 of 2014	341, 384 & 506(ii) IPC
5.	J-9 Thuraipakkam Police Station, Crime No.1697 of 2014	341, 294(b), 323, 392 r/w 397, 336, 427 & 506 (ii) IPC
6.	J-9 Thuraipakkam Police Station, Crime No.1631 of 2015	341, 294(b), 324 & 506 (ii) IPC

The ground case has been registered against the detenu in Crime No.1635 of 2015 on the file of J-9 Thuraipakkam Police Station for offences under Sections 341, 294(b), 323, 392 r/w 397, 336, 427 and 506(ii) IPC.

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

4. Learned counsel for petitioner submitted that page No.125 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 No.125, 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.

The detention order passed by second respondent, detaining the detenu Senthamilselvan @ Raja S/o.Poongavanam, aged about 23 years, made in BCDFGISSSV No.404 of 2015 dated 15.05.2015, 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

gm
To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Police,
Chennai Police,
Chennai - 600 007.
- 3.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government Public
(Law & order), Fort St. George,
Chennai. 600 009.

H.C.P.No.1739 of 2015

AD(CO)
EU 12.10.15