

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.1842 of 2015

Muniamma
W/o.Nataraj

.. Petitioner

vs.

1. The Commissioner of Police,
Commissioner Office-Greater Chennai,
Vepery, Chennai - 7.
2. The Secretary to Government of Tamil Nadu,
Prohibition & Excise Department, (Home)
Secretariat, Fort St.George,
Chennai - 600 009.

.. 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 first respondent in BCDFGISSSV No.396 of 2015 dated 13.05.2015 against the detenu Jeeva S/o.Nataraj, aged 32, 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.P.Prince Premkumar

For Respondents : Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

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

Petitioner is the son of the detenu Jeeva S/o.Nataraj, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of first respondent passed in BCDFGISSSV No.396 of 2015 dated 13.05.2015. 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.	H.3 Tondiarpet Police Station, Crime No.482 of 2015	341, 294(b), 323, 427, 336, 307 and 506(ii) IPC
2.	H.5 New Washermenpet Police Station, Crime No.205 of 2015	341, 307 and 506(ii) IPC
3.	H.5 New Washermenpet Police Station, Crime No.562 of 2015	341, 323, 307 and 506(ii) IPC

The ground case has been registered against the detenu in Crime No.568 of 2015 on the file of H.5 New Washermenpet Police Station for offences under Sections 341, 294(b), 336, 307, 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.41 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.41, 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 first respondent, detaining the detenu Jeeva S/o.Nataraj, aged about 32 years, made in BCDFGISSSV No.396 of 2015 dated 13.05.2015, 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.

gm

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Commissioner Office-Greater Chennai,
Vepery, Chennai - 7.
2. The Secretary to Government of Tamil Nadu,
Prohibition & Excise Department, (Home)
Secretariat, Fort St.George,
Chennai - 600 009.
3. The Superintendent,
Central Prison,
Puzhal, Chennai. [in duplicate for communication to detenue]
4. The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government
Public (Law and Order) Fort St.George
Chennai - 600 009

H.C.P.No.1842 of 2015

TS(CO)
sd : 08/10/2015