

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

C O R A M

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Habeas Corpus Petition No.1926 of 2015

Mani
S/o.Perumal ... Petitioner

-vs-

- 1.The District Magistrate &
District Collector,
Namakkal District,
Namakkal.
- 2.The Secretary to the Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009. ... 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 first respondent against the detenu Ramachandran S/o.Mani, Male, aged about 24 years, in C.M.P.No.36/Goonda/2015/M1 dated 27.05.2015, quash the same and consequently, to direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.T.Muthukrishnan
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 father of the detenu Ramachandran S/o.Mani, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of first respondent passed in C.M.P.No.36/Goonda/2015/M1 dated 27.05.2015. Such order is under challenge herein.

2. The detenu came to adverse notice in Crime No.104 of 2015 on the file of Komarapalayam Police Station for offences u/s.394 @ 395 r/w 397 IPC. The ground case has been registered against the detenu in Crime No.106 of 2015 on the file of Komarapalayam Police Station for offences u/s.395 r/w 397 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 Principal District Sessions Judge, Namakkal, in C.M.P.No.777 of 2014, in connection with the case in Crime No.16 of 2014 on the file of Valavanthinadu Police Station, for offence u/s.392 IPC, has been referred to by the detaining authority. The English version of such order has been furnished to the detenu, but the Tamil version thereof 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.

This Habeas Corpus Petition is allowed. The impugned order passed by first respondent against the detenu Ramachandran S/o.Mani, made in C.M.P.No.36/Goonda/2015/M1 dated 27.05.2015, is quashed. The detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Magistrate & District Collector,
Namakkal District,Namakkal.
- 2.The Secretary to the Government,
Government of Tamil Nadu (Home),
Prohibition and Excise Department,
Fort St.George, Chennai - 600 009.
- 3.The Public Prosecutor
High Court, Chennai.
- 4.The Superintendent of Central Prison, Salem.
5. The Joint Secretary to Government Public
(Law & order), Fort St. George, Chennai. 600 009.

+ 1 cc to Mr.T. Muthukrishnan, Advocate SR.52370

GGK(CO)

EU 20.10.15