

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.2018 of 2015

R.Subbulakshmi
W/o.S.Ravi

.. Petitioner/Wife of
the detenu

-vs-

1. The Government of Tamil Nadu,
rep. by its Secretary,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Police,
Office of Commissioner of Police,
Veppery, 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 records in detention order Memo No.675/BCDFGISSSV/2015 dated 03.08.2015 on the file of the second respondent and quash the same and direct the respondents herein to produce the petitioner's husband S.Ravi, S/o.Sankara Narayanan, aged about 52 years, the detenu now confined in Central Prison, Puzhal, before this Court and set him at liberty.

For Petitioner : Mr.K.Kannan

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 wife of the detenu S.Ravi, S/o.Sankara Narayanan, who has been branded as "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in Memo No.675/BCDFGISSSV/2015 dated 03.08.2015. Such order is under challenge herein.

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

Police Station and Crime No.	Sections of Law
J-4 Kotturpuram Police Station, Crime No.1931 of 2015	147, 341, 307 and 302 IPC

The ground case has been registered against the detenu in Crime No.1935 of 2015 on the file of J-4 Kotturpuram Police Station for offences u/s.341, 294(b), 323, 336, 427, 307 and 506(ii) IPC.

3. Amidst several grounds raised, learned counsel for petitioner submits that order of bail referred to in the grounds of detention has not been furnished in the booklet. Learned counsel for the petitioner further submits 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 S.Ravi, S/o.Sankara Narayanan, made in Memo No.675/BCDFGISSSV/2015 dated 03.08.2015, 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.

Vga

Sd/-

Assistant Registrar (CS-VII)

/True Copy/

Sub-Assistant Registrar

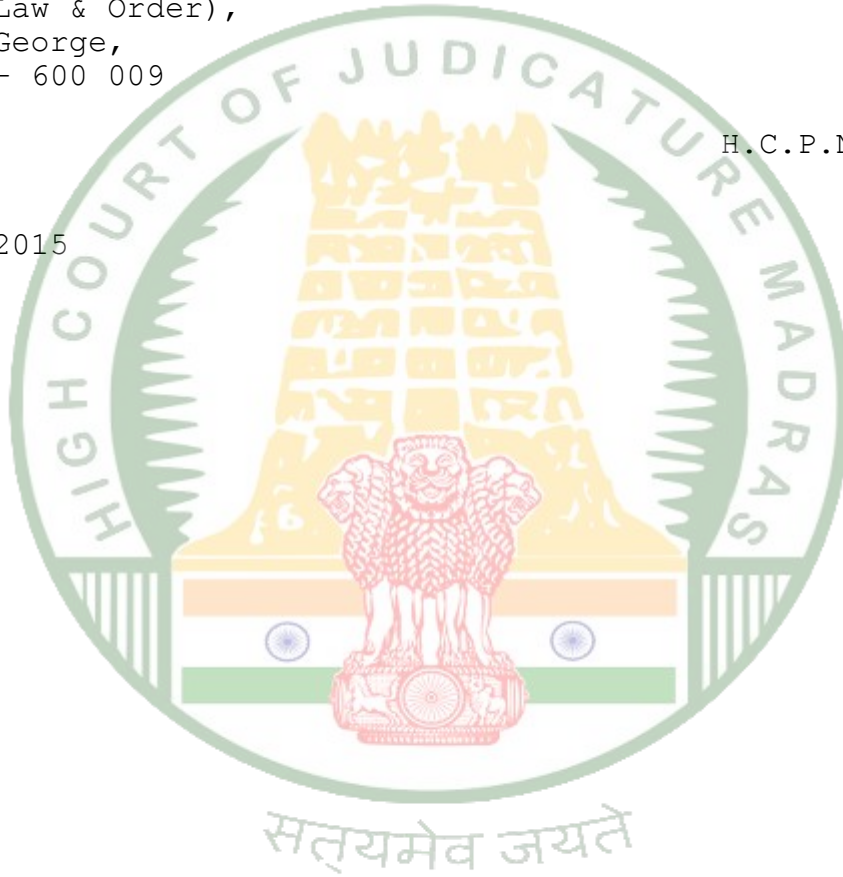
To

1. The Government of Tamil Nadu,
rep. by its Secretary,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai - 600 009.

2. The Commissioner of Police,
Office of Commissioner of Police,
Veppery, Chennai.
3. The Superintendent of Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor
High Court, Chennai.
5. The Joint Secretary to Government,
Public (Law & Order),
Fort St.George,
Chennai - 600 009

H.C.P.No.2018 of 2015

MSM(CO)
sd : 24/11/2015



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