

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.2104 of 2015

R.Usha

W/o.Raji

... Petitioner/W/o the detenue

vs.

1. The State of Tamil Nadu,
represented by its
Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Chennai City Police,
Commissioner Office,
Egmore, Chennai - 600 008. ... 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 BDFGISSSV No.1512 of 2014 dated 14.10.2014 against the detenu Raji S/o.Kannan, aged 47, 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.Ilayaraja Kandasamy

For Respondents: Mr.M.Maharaja
Additional Public Prosecutor

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O R D E R

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

Petitioner is the wife of the detenu Raji S/o.Kannan, who has been branded as a "Goonda" under the Tamil Nadu Act 14 of 1982 and detained under orders of second respondent passed in BCDGIISSSV No.1512 of 2014 dated 14.10.2014. 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.	Gummidipoondi Railway Police Station, Crime No.9 of 2012	3(a) Railways Property (Unlawful Possession) Act 1966
2.	E3 Minjur Police Station, Crime No.150 of 2014	302 IPC

The ground case has been registered against the detenu in Crime No.691 of 2014 on the file of M7 Manali New Town Police Station for offences under Sections 341, 294(b), 336, 427, 392, 506(ii) r/w 397 IPC.

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

4. Learned counsel for petitioner submitted that page No.183 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.183, 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. This order is made only towards setting aside the order of detention passed against the detenu herein. Any bail applications moved by the detenu in the ground case or in the adverse case, necessarily would have to be considered by the Court concerned solely on merits uninfluenced by the order of this Court.

The detention order passed by second respondent, detaining the detenu Raji S/o.Kannan, aged about 47 years, made in BDFGISSSV No.1512 of 2014 dated 14.10.2014, 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 Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Police,
Chennai City Police,
Commissioner Office,
Egmore, Chennai - 600 008.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government,
(Law and Order), Fort St. George,
Chennai - 600 009.

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RV(CO)

sd : 09/10/2015