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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

H.C.P(MD)No.658 of 2015

Jeyakumar

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise (IX) Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Thoothukudi District.

3.The Superintendent of Police,
Palayankottai Central Prison,
Tirunelveli District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus, calling for the records relating to the detention order of the 2nd respondent in H.S.(M)Confdl.No.30/2015, dated 13.04.2015 and quash the same and direct the respondents to produce the detenu namely Jeyakumar, S/o.Arumugam, aged about 41 years, detained in Palayamkottai Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr.R.Alagumani

For respondents : Mr.T.Mohan,
Additional Public Prosecutor.

O R D E R

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

The petitioner has been detained as per the order of the second respondent under Section 2(f) of the Tamilnadu Act 14 of 1982, branding him as "Goonda". Challenging the same, he has come up with this petition.

2.We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents. We have also perused the records carefully.

<https://ncservices.ecourts.gov.in/ncservices/>

3.Though several grounds have been raised in this petition, the learned counsel for the petitioner would mainly focus his argument on the



ground that in the papers supplied to him, the bail order granted in the similar case and the connected papers were not legible and readable. Thus, according to him, the petitioner was deprived of making an effective representation.

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4.The learned Additional Public Prosecutor would, however, oppose this petition. According to him, though the fact remains that the clean copies of these orders containing pages 267 to 271 were not furnished, on that score, it cannot be said that the petitioner has been prejudiced in any manner in making representation.

5.We have considered the above submissions. The booklet served on the petitioner has been produced before this Court for perusal. We have gone through the same and found that the pages 267 to 271 are illegible and not readable. It is based on the orders granted by the Principal Sessions Judge, Tuticorin, in similar cases, the detaining authority had come to the conclusion that there was a real possibility of the detenu coming out on bail. In order to make effective representation, regarding the satisfaction arrived by the detaining authority, the detaining authority ought to have supplied clean copies of the above documents. Since they were not furnished, we are of the view that the detenu has been prejudiced. Thus, the detention order is liable to be set aside.

6. In the result, this Habeas Corpus Petition is allowed and the impugned Detention Order passed by the second respondent in his Proceedings in H.S.(M)Confdl.No.30/2015, dated 13.04.2015 is quashed. The detenu, by name, Jeyakumar S/o.Arumugam, aged about 41 years, is ordered to be set at liberty forthwith, if he is not required for detention in connection with any other case.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal Sessions Judge, Tuticorin.

2.The Principal Secretary to Government,
Home, Prohibition and Excise (IX) Department,
Fort St. George, Secretariat,
Chennai-600 009.

3.The District Collector and District Magistrate,
Office of the District Collector and District
Magistrate, Thoothukudi District.

4.The Superintendent of Police,
Palayankottai Central Prison,

<https://hcservices.hcscourts.gov.in/hcservices/>
Tirunelveli District.



5 The Joint Secretary, Government of Tamil Nadu,
Public (Law & order) Department, Fort St. George, Chennai- 9.

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6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

7. The Commissioner of Police, Thoothukudi District.

+1cc to M/S.R.Alagumani, Advocate in SR.No 58028

TS/07.10.2015/3P - 9C NGM-SS/SAR -II

Order Made in
H.C.P(MD)No.658 of 2015

01.10.2015