

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2016

Coram :

THE HONOURABLE MR.JUSTICE M.JAICHANDREN
and
THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

H.C.P.No.2303 of 2015

Deepa

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by its
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2. The Commissioner of Police,
Chennai Police, Vepery,
Chennai-7.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the entire records pertaining to the detention of the petitioner's husband Premkumar @ Prem, son of Joseph Rosaiah, male, aged about 29 years, presently lodged in Central Prison, Puzhal at Chennai and has been detained under Act 14/82 as a ''Goonda'' vide detention order dated 31.08.2015 on the file of the 2nd respondent herein, made in BDFGISSSV.No.838/2015, quash the same and consequently, direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter, set him at liberty from the Central Prison, Puzhal, Chennai.

For petitioner : Mr.T.V.Somasundaram

For Respondents : Mr.A.N.Thambi Durai,
1 and 2 Additional Public Prosecutor
(Crl.side)

O R D E R
(Order of the Court was made by M.JAICHANDREN, J.)

The petitioner is the wife of one Premkumar. He has been detained by the 2nd respondent, namely, The Commissioner of Police, Chennai Police, Vepery, Chennai, under the Tamil Nadu Act 14 of 1982, as a ''Goonda'', vide Detention Order BDFGISSSV.No.838/2015, dated 31.08.2015. Challenging the said detention order, the petitioner has come up before this Court with this Habeas Corpus Petition.

2.We have heard the learned Counsel for the petitioner, the learned Additional Public Prosecutor (Crl. Side) appearing for the respondents.

3.The learned Counsel appearing on behalf of the petitioner has submitted that, in paragraph 4 of the Detention Order, the Detaining Authority has stated that in a similar case, registered in V.5 Thirumangalam Police Station Cr.No.160 of 2013, for the offences under Sections 341, 294-b, 336, 427, 397 and 506(ii) of IPC, bail has been granted to the accused therein,by the Principal Sessions Judge,Chennai,in Crl.M.P.No. 929 of 2013.The learned Counsel had pointed out that a copy of the F.I.R.furnished to the detenu in connection with the similar case mentioned in paragraph4 of the detention order is illegible.

4.We have perused the records available before this Court.

5.A copy of the First Information Report, relating to Crime No.160 of 2013,which was enclosed along with the booklet furnished to the detenu,is found to be illegible.As such,we find that furnishing of an illegible copy of the F.I.R., relating to Crime No.160 of 2013,would cause prejudice to the detenu in making an effective representation.Hence, we find it appropriate to quash the detention order passed by the Detaining Authority.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, in BDFGISSSV.No.838/2015, dated 31.08.2015, passed by the second respondent is quashed. The detenu, namely, Premkumar @ Prem, son of Joseph Rosaiah, is directed to be released, forthwith, unless his presence is required in connection with any other case.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

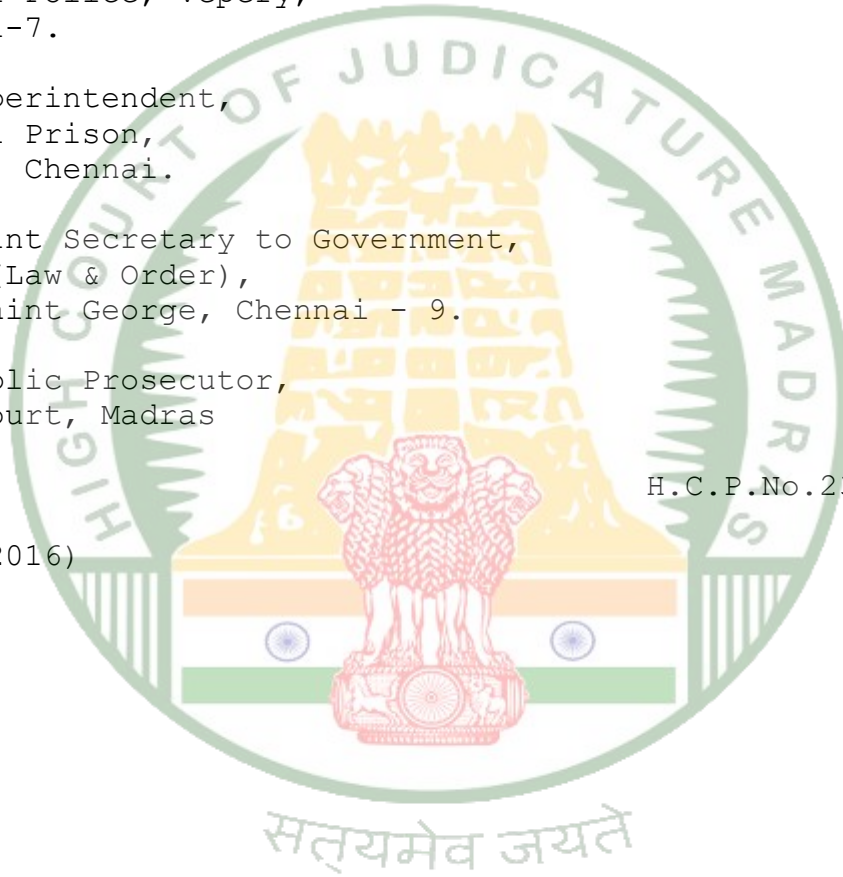
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To:

1. The Secretary to Government,
State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Police,
Chennai Police, Vepery,
Chennai-7.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
5. The Public Prosecutor,
High Court, Madras

KJI (CO)
CA(18/03/2016)

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