

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE S.BASKARAN

H.C.P.No.1006 of 2016

Annamalai .. Petitioner

Vs

- 1.The Secretary, Government of Tamil Nadu,
Home, Prohibition and Excise Dept, Chennai - 9.
2. The Commissioner of Police,
Greater Chennai Police, Vepery,
Chennai - 600 007. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS directing the respondents to produce the detenu Mr.Annamalai, Son of Mr.Hari, aged about 24 years, now confined at Central Prison, Puzhal, Chennai 66 in pursuance of the order passed by the second respondent on 24.02.2016 vide No.190/BCDFGISSSV/2016 before this Court and call for the records from the above named respondents to set aside the same as illegal and also set the liberty forthwith.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.V.M.R.Rajentren,

Additional Public Prosecutor

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ORDER

(Order of the Court was made by S.BASKARAN, J.)

This Habeas Corpus Petition has been filed, by the detenu, namely, Annamalai, son of Hari, aged about 24 years, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in No.190/BCDFGISSSV/2016, dated 24.2.2016, passed by the second respondent, detaining the detenu under Section 3(1) of the Tamil Nadu Prevention of

Dangerous Activities of Bootleggers, Cyber Law Offenders, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), branding him as a "Goonda", in the Central Prison, Puzhal, Chennai and to quash the same and to direct the Respondents to produce the body of the detenu and set him at liberty, forthwith.

2. We have heard the learned counsel appearing on behalf of the petitioner and the learned Additional Public Prosecutor appearing on behalf of the State and we have also perused the records, carefully.

3. Though, several grounds had been raised by the petitioner, while challenging the impugned order of detention, dated 24.2.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that, in paragraph No.4 of the grounds of detention, it has been observed that the detenu is in remand in H8 Thiruvottiyur Police Station Cr.No.66/2016 and lodged at Central Prison, Puzhal, Chennai and he has moved a bail application, in H8 Thiruvottiyur Police Station Crime No.66 of 2016, before the Court of Principal Sessions Judge, Chennai, in CrI.M.P.No.615 of 2016 and that the same is pending disposal. The remand report relating to the ground case in H8 Thiruvottiyur Police Station Cr.No.66 of 2016 has been furnished to the detnue. However, the said remand report is illegible. Hence, the detenu had been prevented from making an effective representation against the impugned order of detention. Thus, the detention order is vitiated and the same is liable to be quashed.

4. The said submission made by the learned counsel appearing on behalf of the petitioner, had not been refuted by the learned Additional Public Prosecutor appearing on behalf of the respondents.

5. A perusal of the booklet supplied to the detenu, would show that the copy of the document relied upon and referred to by the detaining authority, in page No.91 of the booklet, is illegible. As such, we find that the furnishing of the illegible copy of the Remand Report in the ground case, namely, H8 Thiruvottiyur Police Station Cr.No.66 of 2016, would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 24.2.2016. Therefore, we are inclined to set aside the impugned detention order.

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 24.2.2016, passed by the second respondent is set aside. The detenu is directed to be released forthwith, unless his presence is required in connection with any other case.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1.The Secretary, Government of Tamil Nadu,
Home, Prohibition and Excise Dept, Chennai - 9.
2. The Commissioner of Police,
Greater Chennai Police, Vepery,
Chennai - 600 007.
3. The Superintendent, Central Prison, Puzhal, Chennai.
- 4.The Joint secretary to Govt.,
Public (L&O) Fort St.George,
Chennai.
- 5.The Public Prosecutor,
High court, Madras.

+1 cc to Mr.N.Balasubramanian, advocate, sr.62305 (5/12)
sr(co)
krd 24/11

H.C.P.No.1006 of 2016

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