

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2016

CORAM

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

H.C.P.No.1094 of 2016

Mary @ Arokia Mary .. Petitioner
Vs

- 1.The State of Tamil Nadu,
represented by Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai Police,
Chennai. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the records relating to the detention order passed by the second respondent, made in BCDFGISSSV No.302/2016, dated 15.3.2016 against the detenu and to quash the same and to direct the respondents to produce the detenu Thameem Ansari, son of Gopi @ Ibrahim, aged about 26 years, who is detained at the Central Prison, Puzhal, Chennai, before this Court and to set him at liberty.

For Petitioner : Mr.P.Sundararajan

For Respondents : Mr.V.M.R.Rajentran,
Additional Public Prosecutor

ORDER

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

This Habeas Corpus Petition has been filed, by the wife of the detenu, namely, Thameem Ansari, son of Gopi @ Ibrahim, aged about 26 years, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.302/2016, dated 15.3.2016, 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 to set him at liberty.

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 15.3.2016, the learned counsel for the petitioner contends that the detaining authority failed to furnish the detenu, relevant papers relating to the bail order stated to be granted in a similar case, in CrI.M.P.No.2805 of 2015 by the Principal Sessions Court, Chennai, in respect of Crime No.384 of 2015, on the file of the R-4 Soundarpandiyanar Angadi Police Station. This, according to the petitioner, has prevented the detenu 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. On verification of the booklet furnished to the detenu, this Court finds that relevant papers relating to the bail granted in a similar case, by the Principal Sessions Court, Chennai, in CrI.M.P.No.2805 of 2015, in respect of Crime No.384 of 2015, on the file of the R-4 Soundarpandiyanar Angadi Police Station, was not furnished to the detenu. In such circumstances, non supply of papers relating to the said case, has caused prejudice to the detenu, in making an effective representation against the impugned order of detention, dated 15.3.2016. 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 15.3.2016, 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009
- 2.The Commissioner of Police,
Greater Chennai Police,
Chennai.
- 3 The Superintendent Central Prison, Puzhal, Chennai
- 4 The Joint Secretary to Govt Public (Laws Order)
Fort Saint George, Chennai 9
- 5.The Public Prosecutor,
High Court, Madras.

rp(CO)
md(19/12/2016)

H.C.P.No.1094 of 2016

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