

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

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

H.C.P.No.110 of 2016

E.Richard

.. Petitioner

Vs

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

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, to call for the records in connection with the order of detention passed by the second respondent in his proceedings in BCDFGISSSV No.1178/2015, dated 12.11.2015, against the detenu E.Richard, son of Edward, aged about 30 years, who is confined at Central Prison, Puzhal, Chennai and set aside the same and to direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner

: Mr.P.Narayanamoorthy

For Respondents

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

ORDER

[Order of the Court was made by M.JAICHANDREN,J]

This Habeas Corpus Petition has been filed, by the detenu, Richard, son of Edward, aged about 30 years, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.1178/2015, dated 12.11.2015, 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 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 12.11.2015, the learned counsel, appearing on behalf of the petitioner, had submitted that, a copy of the F.I.R., relating to a similar case, furnished to the detenu in page No.449 of the booklet is illegible. It has been further stated that page No.457 of the booklet, which is a portion of the charge sheet, relating to a similar case in Crime No.701 of 2014 on the file of the M-8 Sathangadu Police Station, is also 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 F.I.R., relating to a similar case, furnished to the detenu in page No.449 of the booklet, is found to be illegible. Similarly, page No.457 of the booklet, which is a portion of the charge sheet, relating to a similar case in Crime No.701 of 2014, is also found to be illegible. As such, we find that the furnishing of the illegible copies would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 12.11.2015. 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 12.11.2015, 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

vvk

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,
Vepery,
Chennai-600 007.
- 3 The Superintendent, central prison,
puzhal, Chennai
- 4 The Joint secretary to Government, public[L & O]
Fort saint George, Chennai-9
5. The Public Prosecutor,
High Court, Madras.

+1 cc to MR.P.NARAYANAA MOORTHY, Advocate SR.NO. 59290

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