

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.No.132 of 2016

Challagali Mariyamma

... Petitioner

Vs

1. The State of Tamil Nadu
rep. by its Secretary to the Government,
Home, Prohibition & Excise Department,
Fort St.George,
Chennai 600009.

2. The Commissioner of Police,
Greater Chennai Police.

... Respondents

Prayer:- This Habeas Corpus Petition is filed under Article 226 of the Constitution of India, calling for the records of the second respondent herein pertaining to the detention order made in Memo No.1282/BCDFGISSSV/2015 dated 30.12.2015 and quash the same and direct the respondents to produce the body of the detenu Yermia @ Jermia, son of Esu, aged 22 years, now detained in Central Prison, Puzhal, before this Court and set the detenu at liberty forthwith.

For Petitioner : Mr.Ilayaraja Kandasamy

For Respondents : Mr.M.Maharaja,
Additional Public Prosecutor

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O R D E R
[Order of the Court was made by K.KALYANASUNDARAM, J.]

This Habeas Corpus Petition has been filed by the mother of the detenu, namely, Yermia @ Jermia, son of Esu, aged 22 years, to issue a Writ of Habeas Corpus, to call for the records, in Memo No.1282/BCDFGISSSV/2015 dated 30.12.2015, passed by the second Respondent, detaining the detenu, under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Sexual Offenders, Slum Grabbers and Video Pirates Act, 1982

(Tamil Nadu Act 14/1982) the Tamil Nadu Act 14 of 1982, branding him as a "Goonda", in the Central Prison, Puzhal, Chennai, 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.Learned counsel appearing for the petitioner submitted that in the booklet, furnished to the detenu, several pages viz. page Nos.87, 89, 217, 219, 221, 223, 249, 251, 253, 279, 283, 285 and 287 were found to be illegible and could not be read at all. These illegible copies would deprive the detenu of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on these grounds and the same is liable to be quashed.

4.Per contra, the learned Additional Public Prosecutor would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner. Therefore, he submits that the Habeas Corpus Petition does not merit any consideration and the same is liable to be dismissed.

5.A perusal of the booklet supplied to the detenu would show that the several copies of documents referred and relied upon are illegible and are totally unreadable. This has resulted in the detenu being deprived of making an effective representation. Therefore, the detention order is vitiated and liable to be quashed on this ground alone.

6.In the light of the above facts and law, we have no hesitation in quashing the order of detention on the above mentioned ground.

7.Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in Memo No.1282/BCDFGISSSV/2015 dated 30.12.2015 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(CS VI)

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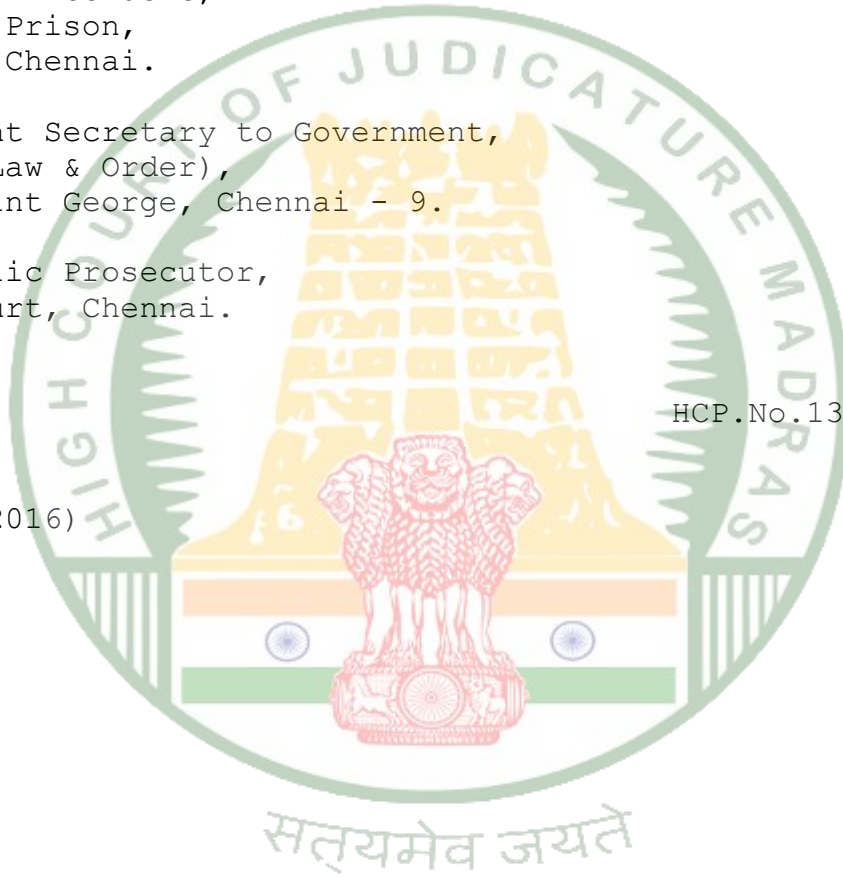
Sub Assistant Registrar

To

- 1.The Secretary to the Government,
Department of Prohibition & Excise(Home),
Fort St.George,
Chennai 600009.
- 2.The Commissioner of Police,
Greater Chennai.
- 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, Chennai.

HCP.No.132 of 2016

KJI (CO)
CA(06/06/2016)



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