

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM

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

H.C.P.No.428 of 2016

Jothipaul

.. Petitioner

Vs

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

2.The Commissioner of Police,
Chennai Police,
Office of the Commissioner of Police,
(Goondas Section), Vepery, Egmore,
Chennai-600 008.

.. 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.1234/2015, dated 7.12.2015, against the husband of the petitioner, Paul Immanuel, aged about 32 years, son of Prabudoss, who is confined at Central Prison, Puzhal, Chennai and quash the same and to direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.D.Yesudhas

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, Paul Immanuel, aged about 32 years, son of Prabudoss, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in Memo No.1234/BCDFGISSSV/2015, dated 7.12.2015, 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 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 7.12.2015, the learned counsel, appearing on behalf of the petitioner, contends that in the booklet furnished to the detenu, page Nos.287 and 289, which are the copy of the complaint, are found 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 page Nos.287 and 289 found in the booklet furnished to the detenu, are illegible. In such circumstances, the claim of the petitioner that the detenu had been prevented from making an effective representation against the impugned order of detention is to be accepted. 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 7.12.2015, 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/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vvk

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009
- 2.The Commissioner of Police,
Chennai Police,
Office of the Commissioner of Police,
(Goondas Section),
Vepery, Egmore,
Chennai-600 008.
- 3 The Superintendent, Central Prison,
puzhal, chennai.
- 4 The Joint Secretaty to Government, Public (Law and Order)
Fort St. George, Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras.

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EU(CO)
RVR 09/01/2017



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