

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.545 of 2016

Jaya

..Petitioner/Wife of the
detenu

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,
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.239/2016, dated 4.3.2016, against the petitioner's husband Kalidoss, son of Ponnusamy, aged about 29 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.K.Thenrajan

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, Kalidoss, son of Ponnusamy, aged 29 years, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.239/2016, dated 4.3.2016, 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 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 4.3.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that there is variation between the English and vernacular statements, found in page Nos.177 and 179 of the booklet supplied to the detenu. In the English version, the crime number given is Crime No.281 of 2016 on the file of the J-9 Thuraipakkam Police Station, whereas in the vernacular version, the crime number is given as Crime No.261 of 2016. It has also been pointed out by the learned counsel appearing on behalf of the petitioner that page Nos.59 and 299, found in the booklet, are also not legible. 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 there is variation in the crime number found in the English and vernacular versions. In the English version, it is given as Crime No.281 of 2016 on the file of the J-9, Thuraipakkam Police Station, whereas in the vernacular version, it is mentioned as Crime No.261 of 2016. Further, page Nos.59 and 299 of the booklet furnished to the detenu are also found to be illegible. As such, we find that the variations found in the crime number and the furnishing of the illegible copies would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 4.3.2016. 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 4.3.2016, 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(CS II)

//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,
Chennai Police,
Vepery,
Chennai-600 007.
 - 3.The Public Prosecutor,
High Court, Madras.
 4. The Superintendent Central Prison Puzhal,
Chennai-99.
 5. The Joint Secretary to Government
(Law & order) Fort St. George, Chennai-9.
- + 1 cc to Mr.K. Thenrajan, Advocate Sr.

सत्यमेव जयते

H.C.P.No.545 of 2016

CNR(CO)
Eu 21.11.16

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