

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2016

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU
and
THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

H.C.P.No.547 of 2016

C.Lakshmi

..Petitioner

vs.

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

2. The State
Rep. by its
The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai - 600 008.

3. The State
Rep. by its
The Inspector of Police,
J.12, Kanathur Police Station, Chennai.

..Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of habeas corpus calling for the entire records connected with the detention order of the 2nd respondent in BCDFGISSSV No. 708/2015, dated 08.08.2015 and quash the same and direct the respondents to produce the son of the petitioner, namely, Madhan @ Madhan Kumar, S/o. Chandran, aged about 24 years, detained in Chennai Puzhal, Central Prison, before this Court and set him at liberty forthwith.

For Petitioner : Mr. P.G. Perumal Pandian

For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner is the mother of one Mr.Madhan @ Madhan Kumar. who has been detained as a Goonda under Tamil Nadu Act 14 of 1982 on the order passed by the 2nd respondent in his proceedings dated BCDFGISSSV No.708/2015 dated 08.08.2015. Challenging the same, the petitioner has come up with this Habeas Corpus Petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though, several grounds have been raised in the petition, the learned counsel appearing for the petitioner, would mainly confine his argument on the ground that many of the papers in the booklet supplied to the detenu are illegible and therefore, he was deprived of making effective representation.

4. We have gone through the booklet. As rightly pointed out by the learned counsel for the petitioner, many of the papers, more particularly, page 141 are not illegible.

5. Thus, we find force in the argument of the learned counsel for the petitioner. Thus, the detenu has been deprived of making any effective representation. On this ground we are inclined to quash the detention order.

6. Accordingly, the habeas corpus petition is allowed and the detention order dated 08.08.2015, passed by the 2nd respondent is quashed. The detenu is directed to be set at liberty, forthwith, unless his presence is required in connection with any other case.

kua

Sd/-
Asst.Registrar

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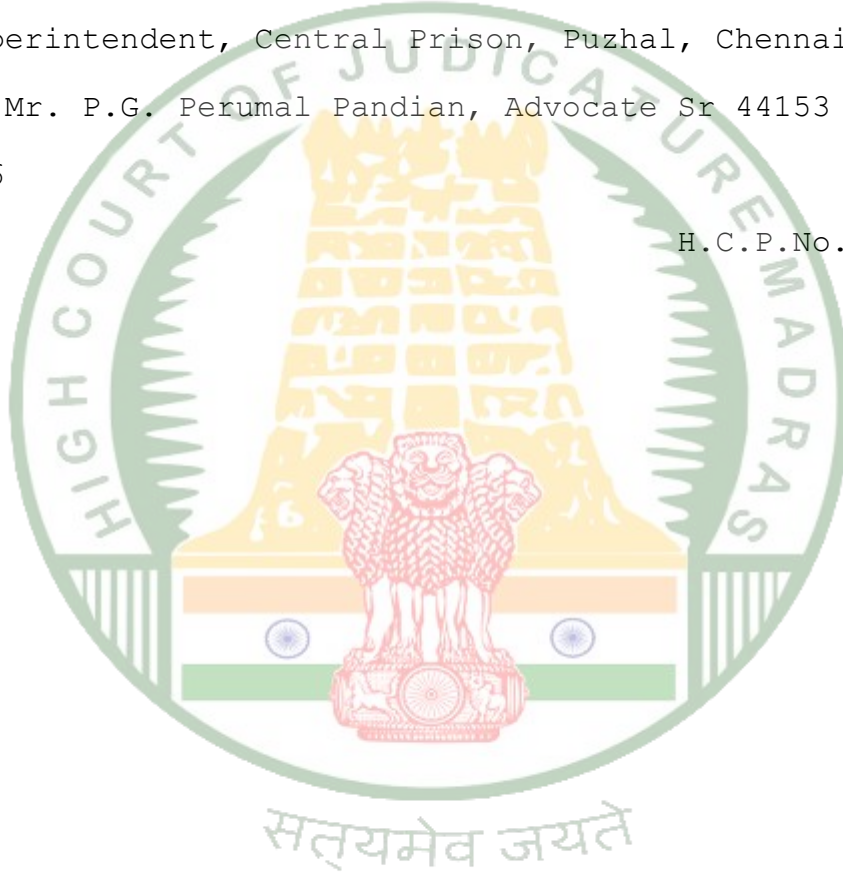
Sub Asst. Registrar

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort. St.George,
Chennai-600 009.

2. The Commissioner of Police,
Office of the Commissioner of Police,
Egmore, Chennai - 600 008.
 3. The Joint Secretary to Govt. (Public Law & Order),
Fort St. George, Chennai 600 009.
 4. The Inspector of Police,
J.12, Kanathur Police Station, Chennai.
 5. The Public Prosecutor, High Court, Madras.
 6. The Superintendent, Central Prison, Puzhal, Chennai.
- + 1 cc to Mr. P.G. Perumal Pandian, Advocate Sr 44153
- KR/31/8/16

H.C.P.No.547 of 2016



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