

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.853 of 2016

Lakshmi ..Petitioner / mother of the detenu

Vs

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.
- 2.The District Collector and District Magistrate,
Perambalur District,
Perambalur.
- 3.The Inspector of Police,
Perambalur Police Station,
Perambalur District. ... 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 Cr.M.P.No.06/2016, dated 6.4.2016, against the son of the petitioner, Alagiri, son of Perumal, aged about 31 years, who is confined at Central Prison, Tiruchirappali 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.D.Veerakumar

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 mother of the detenu, namely, Alagiri, son of Perumal, aged about 31 years, praying that this Court may be pleased to

issue a Writ of Habeas Corpus, to call for the records, in Cr.M.P.No.06/2016, dated 6.4.2016, 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, Tiruchirappalli 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 6.4.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that both the petition copy as well as the order copy, relating to the bail application in Cr.M.P.No.217 of 2016 on the file of the Principal District and Sessions Court, Perambalur, in respect of the Crime No.128 of 2016, have not been furnished to the detenu. Thus, 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. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on perusal of the materials available, it is clear that the detenu has not been furnished with the petition copy as well as the order copy, relating to the bail application in Cr.M.P.No.217 of 2016, on the file of the Principal District and Sessions Court, Perambalur, in respect of the Crime No.128 of 2016. The necessary documents relating to the detention order should be furnished to the detenu to enable him to make an effective representation. Thus, the non furnishing of those documents would cause prejudice to the detenu, in making an effective representation against the impugned order of detention, dated 6.4.2016. 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 6.4.2016, 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/-
Asst.Registrar (CCC)

/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 District Collector and District Magistrate,
Perambalur District,
Perambalur.
- 3.The Inspector of Police,
Perambalur Police Station,
Perambalur District.
4. The Joint Secretary to Government
Public (L & O)
Fort St. George
Chennai-9
- 5.The Public Prosecutor,
High Court, Madras.

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H.C.P.No.853 of 2016

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