

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM

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

H.C.P.No.913 of 2016

Perumal

.. Petitioner

Vs

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

2.The Commissioner of Police,
Salem 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 C.M.P.No.91/Goonda/Salem city/2015, dated 14.12.2015 and to set aside the same and to direct the respondents herein to produce the detenu Muthu, son of Perumal, who is confined in the Central Prison, Salem, before this Court and set him at liberty.

For Petitioner : Mr.Andrew Vivek Manoah

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 father of the detenu, namely, Muthu, son of Perumal, aged about 24 years, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in C.M.P.No.91/Goonda/Salem city/2015, dated 14.12.2015, 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, Salem 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. It is represented by the learned counsel appearing for the petitioner that in the booklet furnished to the detenu, page Nos.53, 105, 108 to 111 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.53, 105, 108 to 111 found in the said booklet are illegible. In such circumstance, the plea of the learned counsel appearing for the petitioner that furnishing of illegible copies has prevented the detenu from making an effective representation against the impugned order of detention, dated 14.12.2015, has 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 14.12.2015, 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.

WEB COPY

Sd/-
Assistant Registrar(CS VI)

//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,
Salem District.

3. The Joint Secretary to Government,
Public(Law & Order),
Fort St. George, Chennai - 9.

4. The Superintendent, Central Prison, Salem.
(In duplicate for Communication to detenue)

- 5.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Andrew Vivek Manoah, Advocate Sr.65700

H.C.P.No.913 of 2016

KGK(CO)
EU 21.12.16



WEB COPY