

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

CORAM

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

H.C.P.No.993 of 2016

Selvi .. Petitioner/Wife of the detenue

Vs

- 1.The State of Tamil Nadu,
rep by its Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.
- 2.The Commissioner of Police,
Salem City,
Salem.

.. 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.24/Goonda/Salem City/2016, dated 15.4.2016, against the detenu Denifa, son of Soori @ Sooriyamoorthy, aged about 31 years, who is confined at Central Prison, Salem 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.S.Sugendran

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

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ORDER

[Order of the Court was made by M.JAICHANDREN,J]

This Habeas Corpus Petition has been filed, by the wife of the detenu, namely, Denifa, son of Soori @ Sooriyamoorthy, aged about 31 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.24/Goonda/Salem city/2016, dated 15.4.2016, 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, 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. Though, several grounds had been raised by the petitioner, while challenging the impugned order of detention, dated 15.4.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that, page Nos.158 and 160 found in the booklet furnished to the detenu, relating to the similar case, are found to be 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 the copies of documents furnished to the detenu in page Nos.158 and 160 of the booklet, relating to the similar case, are found illegible. As such, we find that the furnishing of the illegible copies would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 15.4.2016. 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 15.4.2016, 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 (CS VII)

/true copy/

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,
Salem City,
Salem.

3.The Superintendent, Central Prison, Salem.

4.The Joint Secretary to Government,
Public (L&O) Fort St.George, Chennai.

5.The Public Prosecutor,
High Court, Madras.

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krd 24/11

H.C.P.No.993 of 2016



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