

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

And

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

H.C.P.No. 1410 of 2017

S.Padmavathi ... Petitioner/Wife of the detenue

-vs-

- 1.The Secretary to Government,
Government of India,
Ministry of home affairs,
(Department of Internal Security)
North Block,
New Delhi - 110 001.
- 2.The Secretary to Lieutenant Governor,
Rajnivas, Puducherry.
- 3.The District Magistrate cum Authorized Officer,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605 009. ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus, to call for the records relating to the order of detention in No.11/DM/RO/D2/PPASSA/2017 on the file of the 3rd respondent dated 24.07.2017 quash the same and direct the respondents to produce the corpus of the detenu Sudhagar, son of Chandran who is kept in Central Prison, Kalapet, Puducherry before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.Arockiam, CGSC for R1
Mr.Bharatha Chakravarthy
Public Prosecutor (Pondicherry)
for R2 & R3

O R D E R

(Order of the Court was made by RAJIV SHAKDHER, J.)

1.This is a petition seeks to challenge the detention order

dated 24.07.2017.

2.At the outset, learned counsel for the petitioner submits that this Court, vide Judgment dated 31.10.2017 passed in HCP No.1292 of 2017, directed the detenu to be released on the ground that the underlying material was not supplied.

3.Notice, in this petition, was issued on 02.08.2017. The Union Territory, Puducherry, has not filed its counter in the instant case. Notwithstanding the aforesaid, Mr.Bharatha Chakravarthy, learned Public Prosecutor submits that the bail petition filed by the detenu in the subject case (Crime No.193 of 2017) was dismissed and that in the paper book supplied to the detenu, a copy of the bail petition was not appended.

4.In these circumstances, we are of the view that the underlying material was not supplied to the detenu and that, the impugned order besides anything else cannot be sustained. For the foregoing reasons, we are inclined to quash the impugned order. It is ordered accordingly.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.11/DM/RO/D2/PPASSA/2017 dated 24.07.2017, passed by the respondent No.3 is set aside. The detenu, namely, Sudhagar, son of Chandran, male, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case. Given the nature of the case, this order will be communicated to the concerned Jail Superintendent by the Registrar General of this Court via Fax.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

mps

To

1.The Secretary to Government,
Government of India,
Ministry of home affairs,
(Department of Internal Security)
North block,
New Delhi - 110 001.

2.The Secretary to Lieutenant Governor,
Rajnivas, Puducherry.

3.The District Magistrate cum Authorized Officer,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

4.The Chief Superintendent of Jails,
Central Prison,
Kalapet, Puducherry.

5.The Public Prosecutor(Pondicherry),
High Court, Madras.

+1cc to Mr.Arockiam, Advocate, S.R.No.78669

+1cc to Mr.V.Elangoven, Advocate, S.R.No.78783

H.C.P.No. 1410 of 2017

GN(07/11/2017)



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