

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.09.2017

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

H.C.P.No.533 of 2017

Sathyavani

.... Petitioner

vs.

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

2.The District Collector and
The District Magistrate,
Villupuram District,
Villupuram.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of habeas corpus to produce the body of the detenu namely Ravindiran, before this Court and set him at liberty forthwith, who is detained at Central Prison, Cuddalore, by calling for the records pertaining to the detention order dated 21.02.2017 in C2/5105/2017 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.D.Lakshmipathy

For Respondents : Mr.V.M.R.Rajentran, Addl.P.P.

सत्यमेव जयते
ORDER

(Order of the Court was made by A.SELVAM,J.)

This Habeas Corpus Petition has been filed under Article 226 of the Constitution of India, praying to call for the records relating to detention order passed in No.C2/5105/2017, dated 21.02.2017, by the detaining authority against the detenu, by name Ravindiran, aged 33 years, S/o Rajamani, residing at Mariyamman Kovil Street, Orukodi Village, Villupuram Taluk and District, and quash the same.

2. The Inspector of Police, Villupuram Taluk Police Station, as sponsoring authority, has submitted an affidavit to the detaining authority, wherein it is averred to the effect that on 21.12.2016, at about 10.00 a.m., the Inspector of Police and others have conducted vehicle check up and intercepted a vehicle bearing Registration No.TN 01 Y 3921, wherein some spurious liquor were found and consequently the detenu has been arrested and after observing due formalities, a case has been registered in Crime No.889 of 2016, under Sections 4(1)(aaa) and 4(1-A) of the Tamil Nadu Prohibition Act and ultimately requested the detaining authority to invoke Act 14 of 1982 against the detenu.

3. The detaining authority, after considering the averments made in the affidavit and other connected documents, has derived subjective satisfaction to the effect that the detenu has committed a grave offence and ultimately branded him as a 'Bootlegger' by way of passing the impugned detention order and in order to quash the same, the present petition has been filed by the mother of the detenu, as petitioner.

4. In the counter filed on the side of the respondents it is averred to the effect that most of the averments made in the petition are false. The sponsoring authority has submitted all the relevant materials to the detaining authority. The detaining authority, after considering all the relevant materials and other connected documents, has derived subjective satisfaction to the effect that the detenu has committed a grave offence and ultimately branded him as a 'Bootlegger' by way of passing the impugned detention order and the same does not require any interference and therefore, the present petition deserves to be dismissed.

5. The learned counsel appearing for the petitioner has contended to the effect that the detenu has been supplied with book-let, wherein copy of the remand order in Tamil version is not available. Further, the requisition made by the concerned Inspector of Police, for conducting chemical examination is also not available in the book-let. Under the said circumstances, the detention order in question is liable to be quashed.

6. Per contra, the learned Additional Public Prosecutor appearing for the respondents has contended to the effect that the book-let supplied to the detenu contains all vital documents and no prejudice caused to him and therefore, the contention put forth on the side of the petitioner is liable to be rejected.

7. In fact, this Court has analysed the entire book-let.

As rightly pointed out on the side of the petitioner, the documents mentioned in their contention are not available in the book-let. Since the documents mentioned in the contention are not available in the book-let, the same would affect the rights of the detenu guaranteed under Article 22(5) of the Constitution of India and therefore, the detention order in question is liable to be quashed.

In fine, this Habeas Corpus Petition is allowed. The detention order dated 21.02.2017, passed in No.C2/5105/2017, by the detaining authority against the detenu, by name Ravindiran, aged 33 years, S/o Rajamani, residing at Mariyamman Kovil Street, Orukodi Village, Villupuram Taluk and District, is quashed and the respondents are directed to set him at liberty forthwith, unless he is required to be incarcerated in connection with some other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

msh
To

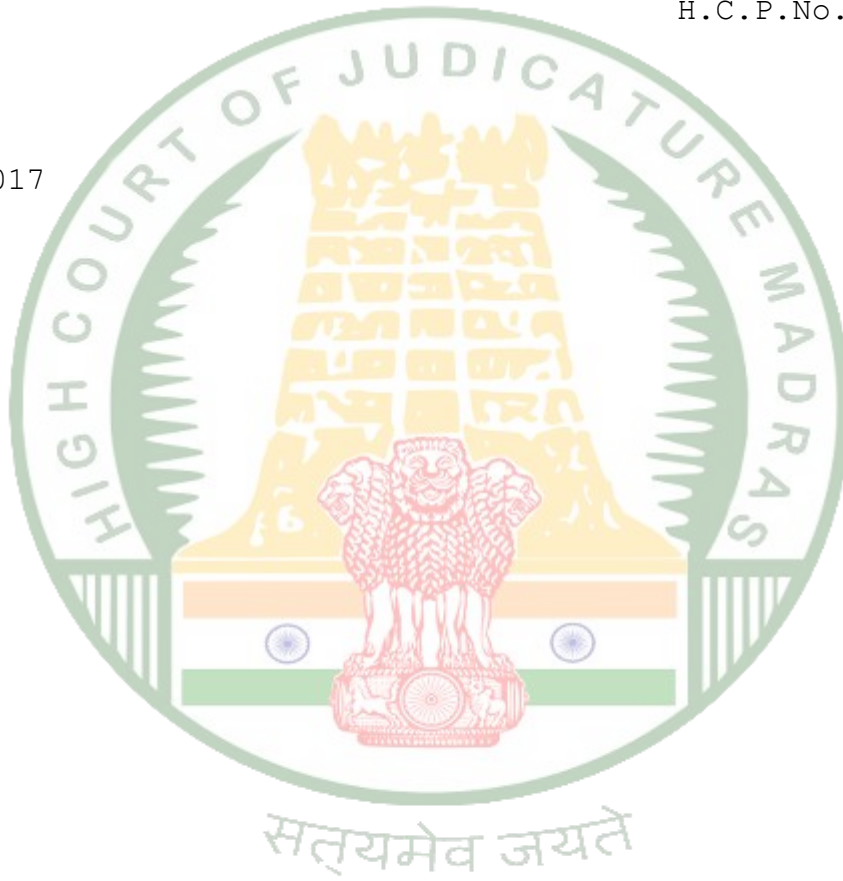
- 1.The Joint Secretary to Government of
Tamil Nadu, Public (Law and Order)
Department,
Secretariat, Chennai-9.
- 2.The Secretary to Government,
Home Prohibition and Excise Department,
Fort St.George,
Chennai-9.
- 3.The District Collector and
The District Magistrate,
Villupuram District,
Villupuram.

4.The Superintendent,
Central Prison,
Cuddalore.

5.The Public Prosecutor,
High Court, Madras

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