

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2017

CORAM

THE HON'BLE Mr.JUSTICE A.SELVAM
and
THE HON'BLE Mr.JUSTICE P.KALAIYARASAN

H.C.P.No.637 of 2017

Jane Rita

... Petitioner

Vs

1.State of Tamil Nadu rep. by its
Principal Secretary,
Department of Home, Prohibition
and Excise, Secretariat,
Chennai-9.

2.The Commissioner of Police,
Greater Chennai, Veppery,
Chennai-7.

3.The State rep. by
The Inspector of Police,
J-8 Neelangarai Police Station,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the records in Memo No.90/BCDFGISSSV/2017 dated 30.03.2017 on the file of the 2nd respondent and quash the detention order as illegal and direct the respondents to produce the detainee Vijay Lawrence, aged 37 years, S/o.Selvanathan, now confined at Central Prison, Puzhal, Chennai before this Hon'ble Court and set him at liberty.

For Petitioner : Mr.G.Pavendhan

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

O R D E R

[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 records relating to the Detention Order passed in BCDFGISSSV No.90/2017

dated 30.03.2017 by the Detaining Authority against the detenu by name, Vijay Lawrence, aged 37 years, S/o.Selvanathan, residing at No.3/4, 2nd Street, Gangai Avenue, Ramapuram, Chennai-89 and quash the same.

2. The Inspector of Police, J-8 Neelankarai Police Station as Sponsoring Authority has submitted an affidavit to the Detaining Authority, wherein, it is averred to the effect that the detenu has involved in the following adverse cases :

- i. J-8 Neelankarai Police Station Crime No.404/2017 registered under Sections 147, 148, 341, 294[b], 307 and 506[ii] of the Indian Penal Code.
- ii. J-8 Neelankarai Police Station Crime No.718/2017 registered under Section 379 of the Indian Penal Code.

3. Further, it is averred in the affidavit that on 05.03.2017, one Panneerselvam, aged 38 years, S/o.Mani, as de facto complainant has given a complaint against the detenu and others, wherein, it is alleged to the effect that in the place of occurrence, the detenu and others by using deadly weapons have attempted to murder the de facto complainant. Under such circumstances, a case has been registered in Crime No.776/2017 under Sections 147, 148, 341, 294[b], 307, 336, 427 and 506[iii] of the Indian Penal Code and ultimately, requested the Detaining Authority to invoke Act 14 of 1982 against the detenu.

4. The Detaining Authority after considering the gravity of offence alleged to have been committed by the detenu, branded him as goonda 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.

5. On the side of the respondents, counter has not been filed. Under such circumstances, this Habeas Corpus Petition is disposed of on the basis of available materials on record.

6. Learned counsel appearing for the petitioner has contended to the effect that the detenu has been supplied with a booklet, wherein, most of the copies of vital documents are not readable and the same could affect the rights of the detenu and therefore, the Detention Order in question is liable to be quashed.

7. Per contra, the learned Additional Public Prosecutor has contended that all the vital documents available in the booklet are readable and no prejudice would be caused to the detenu and therefore, the contention put forth on the side of the petitioner is liable to be rejected.

8. In fact, this Court has perused the entire booklet and copies of vital documents are not readable. Since certain documents furnished to the detenu are not readable, 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.

9. In fine, this petition is allowed. The Detention Order dated 30.03.2017 passed in BCDFGISSSV No.90/2017 by the Detaining Authority against the detenu by name, Vijay Lawrence, aged 37 years, S/o.Selvanathan, is quashed and directed to set him at liberty forthwith, unless he is required to be incarcerated in any other case.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary,
Department of Home, Prohibition and Excise,
Secretariat, Chennai-9.
- 2.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
- 3.The Commissioner of Police,
Greater Chennai, Veppery,
Chennai-7.
- 4.The Inspector of Police,
J-8 Neelangarai Police Station,
Chennai.
- 5.The Superintendent,
Central Prison,
Puzhal, Chennai.
- 6.The Public Prosecutor,
High Court, Madras.

H.C.P.No.637 of 2017

GR(CO)
CA(30/08/2017)