

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.1456 of 2016

P.Adhilakshmi
Vs

...Petitioner

1. The State,
rep by its Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.

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

...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 BCDFGISSSV No.642/2016 passed by the second respondent, on 4.7.2016 and to set aside the same and to direct the respondents to produce Dineshkumar @ Dinesh, son of Jeeva, aged about 26 years, now detained in the Central Prison, Puzhal, Chennai-66, before this Court and to set him at liberty.

For Petitioner : Mr.S.Swamidoss Manokaran

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

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, Dineshkumar @ Dinesh, aged about 26

years, son of Jeeva, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.642/2016, dated 4.7.2016, 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, Puzhal, Chennai and to quash the same and to direct the Respondents to produce the body of the detenu and to 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 4.7.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that, in the booklet furnished to the detenu, page Nos.203, relating to the FIR in Crime No.384 of 2015, on the file of R-4 Soundarapandianar Angadi Police Station and page Nos.293 and 295, relating to FIR, in Crime No.2229 of 2015, on the file of the J2 Adayar Police Station, are found illegible. Hence, the detenu had been prevented from making an effective representation against the impugned order of detention, dated 4.7.2016. 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 No.203, relating to the FIR in Crime No.384 of 2015, on the file of R-4 Soundarapandianar Angadi Police Station and page Nos.293 and 295, relating to FIR, in Crime No.2229 of 2015, on the file of the J2 Adayar Police Station, are found illegible. As such, we find that the furnishing of the illegible copies of the First Information Reports, relating to the similar cases, would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 4.7.2016. 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 4.7.2016, 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/-
Assistant Registrar

//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,
Greater Chennai,
Vepery, Chennai-7.
3. The Superintendent of Central Prison,
Puzhal, Chennai.
4. The Joint Secretary to Govt. Public (Law & Order)
Fort. St. George,
Chennai-9.
5. The Public Prosecutor,
High Court, Madras.

ACA (CO)
RS (27/01/2017)

H.C.P.No.1456 of 2016

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