

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

and

THE HON'BLE MR.JUSTICE T.MATHIVANAN

H.C.P.No.1527 of 2016

Vani

... Petitioner

Vs

1.The District Collector and
District Magistrate of Vellore District,
Vellore District-9.

2.The Secretary to Government,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-9.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the entire records of the first respondent herein, in C3.D.O.No.37/2016, dated 30.6.2016 and to set aside the said detention order passed against the detenu, namely, Sudhakar, son of Nagendiran, aged about 31 years, who is the husband of the petitioner herein and to set him at liberty, from the Central Prison, Vellore.

For Petitioner : Mr.G.Vinodh Kumar

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, Sudhakar, aged about 31 years, son of Nagendiran, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in C3/D.O.No.37/2016, dated 30.6.2016, passed by the first 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 "Bootlegger", in the Central Prison, Vellore, 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 30.6.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that, in the booklet furnished to the detenu, page No.2, which is the copy of the First Information Report, relating to the first adverse case, in Crime No.515/2015, on the file of Pernambut Police Station, is found illegible. Hence, the detenu had been prevented from making an effective representation against the impugned order of detention, dated 30.6.2016. 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.2, which is the copy of the First Information Report, in Crime No.515/2015, on the file of Pernambut Police Station, relating to the first adverse case, is found illegible. As such, we find that the furnishing of the illegible copy of the First Information Report, relating to the

first adverse case, would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 30.6.2016. 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 30.6.2016, passed by the first 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

/true copy/

Sub Asst. Registrar

vvk

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai-600 009
- 2.The District Collector and
District Magistrate of Vellore District,
Vellore District-9.
- 3.The Superintendent, Central Prison, Vellore
- 4.The Joint Secretary to Government, Police(Law & Order)
Fort st.George, Chennai-9.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P.No.1527 of 2016

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ss(6/2/2017)

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