

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

and

THE HON'BLE MR.JUSTICE M.V.MURALIDARAN

H.C.P.No.1537 of 2016

Babu @ Bablu

.. Petitioner

Vs

- 1.The Secretary to Government,
Government of Tamil Nadu,
Prohibition and Excise XVI Department,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Chennai District.
- 3.The Inspector of Police,
S-15 Selaiyur Police Station,
Kancheepuram District.

.. 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 pertaining to the order of detention passed by the second respondent, in their proceeding BCDGIISSSV No.504 of 2016, dated 30.4.2016 and quash the same as illegal and produce the detenu, by name, Babu @ Bablu, son of Shanmugam, aged about 35 years, now confined in the Central Prison, Puzhal, Chennai, before this Court and to set him at liberty.

For Petitioner : Mr.R.Ganesh Babu
For Respondents : Mr.V.M.R.Rajentren
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.JAICHANDREN, J.]

This Habeas Corpus Petition has been filed by the detenu, namely, Babu @ Bablu, aged about 35 years, son of Shanmugam, to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.504/2016, dated 30.4.2016, passed by the second respondent, detaining the detenu, under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, 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, as well as the learned Additional Public Prosecutor appearing for the State and we have also perused the records, carefully.

3. Though several grounds have been raised in this Habeas Corpus Petition, the learned counsel appearing on behalf of the petitioner states that a copy of the F.I.R., relating to Crime No.787 of 2015, on the file of Maraimalai Nagar Police Station, in respect of the second adverse case, had been furnished to the detenu, in page No.37 of the booklet supplied to him. However, in the arrest intimation furnished to the detenu, in page No.63 of the booklet, in respect of the said case, the crime number had been wrongly mentioned, as Crime No.781 of 2015. Hence, the detenu had been prevented from making an effective representation against the impugned order of detention. Thus, the detention order is vitiated and the same is liable to be quashed.

4. The said submissions 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. On perusal of the records, it is clear that a copy of the F.I.R., relating to Crime No.787 of 2015, on the file of Maraimalai Nagar Police Station, in respect of the second adverse case, had been furnished to the detenu, in page No.37 of

the booklet supplied to him. However, in the arrest intimation furnished to the detenu, in page No.63 of the booklet, in respect of the said case, the crime number had been wrongly mentioned, as Crime No.781 of 2015. As such, we find that wrong mentioning of the crime number would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 30.4.2016. 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 30.4.2016, 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,
Government of Tamil Nadu,
Prohibition and Excise XVI Department,
Fort St. George,
Chennai-600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Chennai District.
- 3.The Inspector of Police,
S-15 Selaiyur Police Station,
Kancheepuram District.

4 The Superintendent
Central Prison, Puzhal, Chennai

5 The Joint Secretary to Government
Public (Law & Order)
Fort St. George, Chennai 9

6.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R. Ganesh Babu, Advocate, S.R.No.3600

ev(CO)
md(07/02/2017)

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