

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2017

CORAM

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

H.C.P.No.1566 of 2016

Ravi

.. Petitioner

Vs

- 1.State of Tamil Nadu,
rep by its Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner of Police,
Chennai Police,
Vepery, Chennai-600 007.

.. 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 relating to the detention order, passed by the second respondent, in No.479/BCDFGISSSV/2016, dated 27.4.2016, and quash the same and to direct the respondents to produce the petitioner's son Hemnath, son of Ravi, aged 28 years, detained in the Central Prison-II, Puzhal, Chennai, before this Court and to set him at liberty, forthwith.

For Petitioner : Mr.C.C.Chellappan

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

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ORDER

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

This Habeas Corpus Petition has been filed, by the father of the detenu, namely, Hemnath, aged about 28 years, son of Ravi, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in No.479/BCDFGISSSV/2016, dated 27.4.2016, 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 27.4.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that, in the booklet supplied to the detenu, a copy of the F.I.R., relating to the second adverse case, in Crime No.234 of 2016, on the file of T-14 Mangadu Police Station, had been furnished to the detenu in page No.17 of the booklet. However, page No.17 is found illegible. 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 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 the copy of the F.I.R., relating to the second adverse case, in Crime No.234 of 2016, on the file of T-14 Mangadu Police Station, found in page No.17 of the booklet, is illegible. As such, we find that the furnishing of the illegible copy of the F.I.R. relating to the second adverse case, would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 27.4.2016.

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 27.4.2016, 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.

-s/d-
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,
Chennai Police,
Vepery, Chennai-600 007.
3. The Superintendent
Central Prison Puzhal Chennai
4. The Joint Secretary to Government
Public Law and order
Fort St. George Chennai-9
5. The Public Prosecutor,
High Court, Madras.

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H.C.P.No.1566 of 2016

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