

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2017

CORAM

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

H.C.P.No.1646 of 2016

C.Rajeswari

..Petitioner

Vs

1.The Government of Tamilnadu,
rep by its Principal Secretary,
Home, Prohibition and Excise
(XVI) Department,
Fort St. George,
Chennai-600 009.

2.The District Collector and
District Magistrate,
Coimbatore.

..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 Cr.M.P.No.19/G/2016/E1, dated 17.7.2016, on the file of the second respondent, and to quash the same and to direct the respondents herein to produce the body of the petitioner's husband, Chinnathambi @ Chellathurai, son of Chinnamuniyan, aged 38 years, confined in the Central Prison, Coimbatore, before this court and to set him at liberty.

For Petitioner : Ms.R.Subhadra Devi

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, Chinnathambi @ Chellathurai, aged about 38 years, son of Chinnamuniyan, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in Cr.M.P.No.19/G/2016/E1, dated 17.7.2016, 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, Coimbatore and to quash the same and to direct the Respondents to produce the body of the detenu and to set him at liberty.

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 17.7.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that a copy of the statement of witnesses, relating to the second adverse case, in Crime No.80 of 2016, on the file of Kovilpalayam Police Station, furnished to the detenu, in the booklet supplied to him, in page nos.33 to 37, is found to be 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 a copy of the statement of witnesses, relating to Crime No.80 of 2016, on the file of Kovilpalayam Police Station, which is the second adverse case, furnished to the detenu, in page Nos.33 to 37 of the booklet, is found to be illegible. As such, we find that the furnishing of the illegible copies of the documents in the booklet would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 17.7.2016. 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 17.7.2016, 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(CO)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Principal Secretary,
The Government of Tamilnadu,
Home, Prohibition and Excise (XVI) Department,
Fort St. George,
Chennai-600 009.
 - 2.The District Collector and
District Magistrate,
Coimbatore.
 - 3.The Public Prosecutor,
High Court, Madras.
 4. The Superintendent, Central Prison,
Coimbatore (In duplicate for communication to deteun)
 5. The Joint Secretary to Government Public
(Law & order) Fort St. George, Chennai-9.
- + 1 cc to Mr.R. Subadra Devi, Advocate Srf.7523

H.C.P.No.1646 of 2016

SS(CO)
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