

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2017

CORAM

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

H.C.P.No.1663 of 2016

Mariyammal .. Petitioner
Vs

1.The State of Tamil Nadu,
rep by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner of Police,
Chennai City Police,
Commissioner Office, Egmore,
Chennai-600 008.

.. 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 relating to the impugned order in BCDFGISSSV No.760/2016, dated 22.7.2016, on the file of the second respondent and to set aside the same, as illegal and to direct the respondents to produce the detenu, Raja, son of Ramamurthy, aged about 30 years, now confined in the Central Prison, Puzhal, Chennai, before this Court and to set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

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, Raja, aged about 30 years, son of Ramamurthy, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in BCDFGISSSV No.760/2016, dated 22.7.2016, 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.

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 22.07.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that a copy of the First Information Report, relating to Crime No.384 of 2015, on the file of R-4 Soundarapandiyanar Angadi Police Station, which is the similar case, furnished to the detenu, in the booklet supplied to him, in page Nos.140 and 141 is found to be illegible. Similarly, a copy of the remand order, dated 3.2.2015 and a copy of the bail order, dated 25.2.2015, made in CrI.M.P.No.2805 of 2015, by the learned Principal Sessions Judge, Chennai, which had been furnished to the detenu, in page Nos.171, 172, 181 and 182 of the booklet, are 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 First Information Report, remand order, dated 3.2.2015 and the bail order, dated 25.2.2015, relating to the similar case, in Crime No.384 of 2015, on the file of R-4 Soundarapandiyanar Angadi Police Station, which had been furnished to the detenu, in page Nos.140, 141, 171, 172, 181 and 182 of the booklet supplied to him, are found to be illegible. As such, we find that the furnishing of the illegible copies of the documents relating to the similar case would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 22.7.2016. 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 22.7.2016, 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(CCC)

//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 Commissioner of Police,
Chennai City Police,
Commissioner Office, Egmore,
Chennai-600 008.
3. The Joint Secretary to Government Public (Law & order)
Fort St. George, Chennai-9.
4. The Superintendent Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court, Madras

H.C.P.No.1663 of 2016

LRS (CO)

EU 28.02.17

WEB COPY