

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.1666 of 2016

Jothilakshmi

... Petitioner/Mother of
Detenu

Vs

1. The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2. The Commissioner of Police,
Greater Chennai, Chennai.

... Respondents

Prayer: I Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF HABEAS CORPUS, to call for the records in connection with the order of detention passed by the second respondent, dated 19.7.2016, in BCDFGISSSV No.735/2016, against the son of the petitioner, detenu, Vikki @ Vignesh @ Kolathu Vikki, aged 22 years, son of Loganathan, confined in the Central Prison, Puzhal, Chennai and to set aside the same and consequently, to direct the respondents to produce the detenu before this court and to set him at liberty.

For Petitioner : Mr.K.S.Kaviarasu

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 mother of the detenu, namely, Vikki @ Vignesh @ Kolathu Vikki, aged about 22 years, son of Loganathan, praying that this Court may be pleased to issue a Writ of Habeas Corpus, to call for the records, in No.735/BCDFGISSSV/2016, dated 19.7.2016, 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 19.7.2016, the learned counsel, appearing on behalf of the petitioner, had submitted that a copy of the bail order, in CrI.M.P.No.1171 of 2013, granted by the learned Principal Sessions Judge, Tiruvallur, relating to the similar case, furnished to the detenu, in the booklet supplied to him, in page No.161, 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 bail order granted by the learned Principal Sessions Judge, Tiruvallur, in CrI.M.P.No.1171 of 2013, relating to the similar case, furnished to the detenu, in page No.161 of the booklet, is found to be illegible. As such, we find that the furnishing of the illegible copy of the bail order relating to the similar case would prejudice the detenu, in making an effective representation against the impugned order of detention, dated 19.7.2016. 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 19.7.2016, 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(CS IV)

//True Copy//

Sub Assistant Registrar

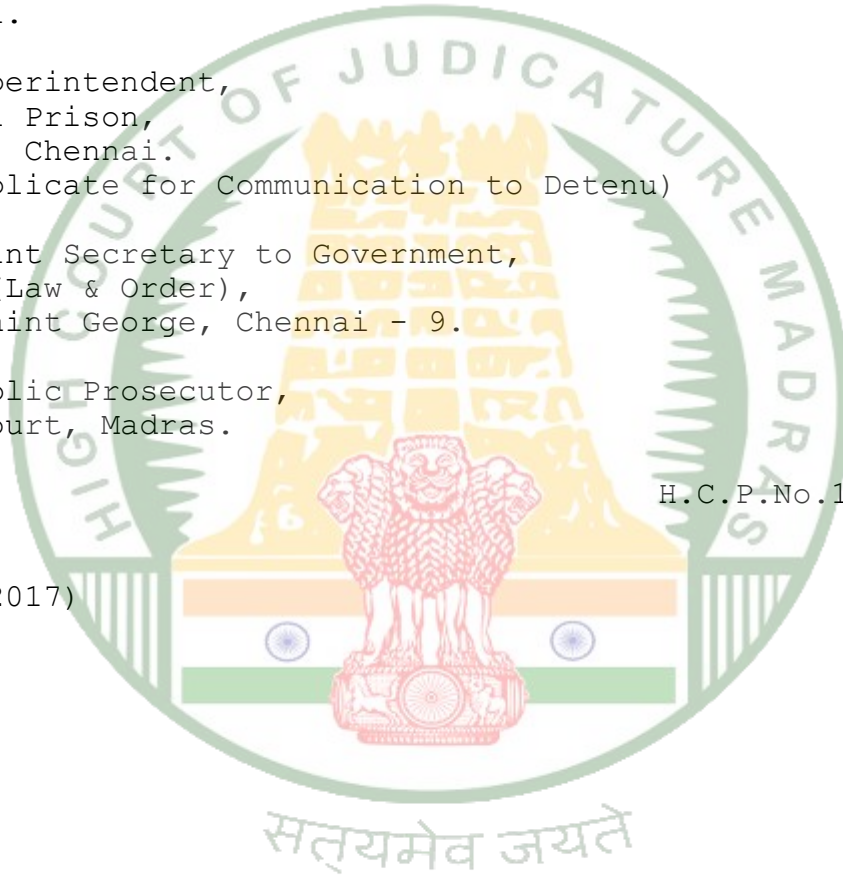
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To

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,
Greater Chennai,
Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
(In duplicate for Communication to Detenu)
4. The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1666 of 2016

PK(CO)
CA(22/02/2017)



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