

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.03.2017

CORAM

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU
and
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

H.C.P No.1714 of 2016

Ravi

...Petitioner

Vs

1. State Rep. By
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

.. Respondents

Habeas Corpus Petition filed under Article 226 of the Constitution of India to issue a Writ, order or Direction in the nature of a Writ of Habeas Corpus to call for the records relating to the detention of the petitioner wife Selvi wife of Ravi F/A 48 years has been detained under Act 14/82 as a "Bootlegger" vide detention order dated 20.07.2016 made in Memo No.740/BCDFGISSV/2016 and quash the same and consequently direct the respondents to produce the body and person of the said detenu before this Court and set her at liberty from the Special Prison for Women, Puzhal, Chennai.

For Petitioner : Mr.T.V. Somasundaram

For respondents: Mr.V.M.R. Rajentran
Addl. Public Prosecutor

ORDER

(Order of the Court was made by S. NAGAMUTHU, J.,)

The petitioner is the husband of the detenu Selvi, aged about 48 years. The second respondent, by its Proceedings dated 20.07.2016 has detained under Sec.3 of Act 14 of 1982, branding her as "Bootlegger". Challenging the same, the petitioner has come out with this petition.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. Though many grounds have been raised in the petition, the learned counsel would bring to the notice of this Court that some pages in the booklet furnished to the detenu are illegible and could not be read at all and there is no proper translation of the English version of some other documents. This would deprive the detenu of making effective representation to the authorities against the order of detention. Thus, the detention order is vitiated on these grounds and the same is liable to be quashed.

4. A perusal of the booklet supplied to the detenu would show that the copies of documents referred and relied upon and referred to by the Detaining Authority, certain pages are illegible and are totally unreadable. This has resulted in the detenu being deprived of making an effective representation. Therefore, the detention order is vitiated and liable to be quashed on this ground alone.

5. In the light of the above facts and law, we have no hesitation in quashing the order of detention on the above mentioned ground. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order in Memo No.740/BCDFGISSV/2016 passed by the 2nd respondent is set aside. The detenu is directed to be released forthwith unless her presence is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sr

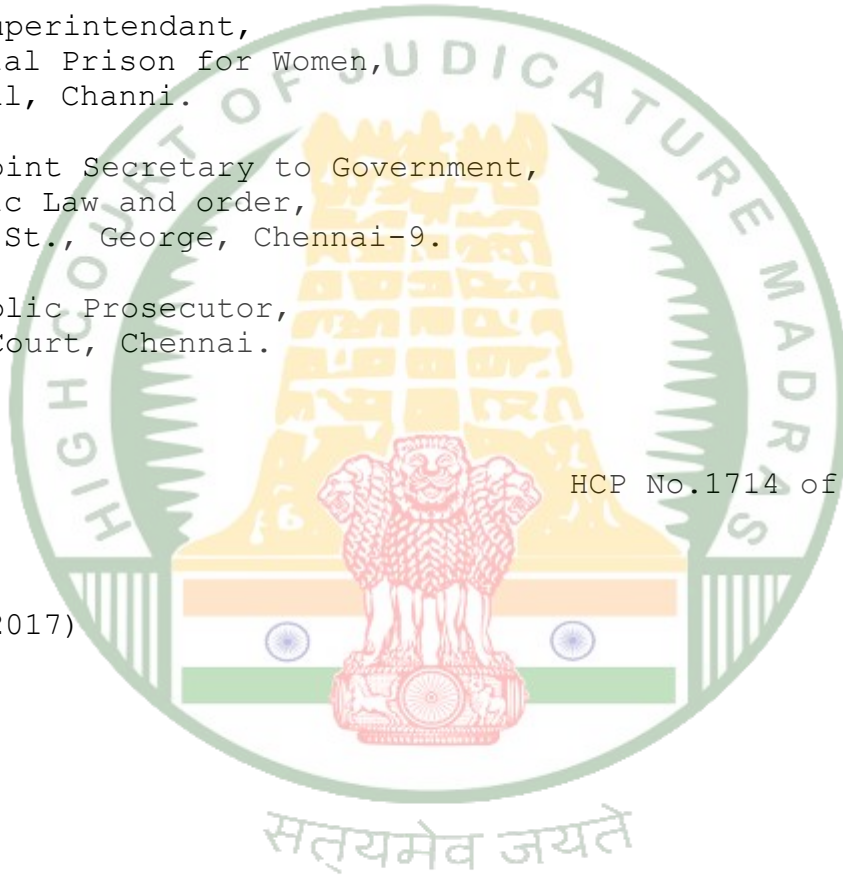
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To

1. The Secretary to Government,
State of Tamil Nadu
Home Prohibition and Excise Department,
Fort St. George, Chennai-600 009
2. The Commissioner of Police,
Chennai Police,
Vepery, Chennai - 600 007
3. The Superintendant,
Special Prison for Women,
Puzhal, Channi.
4. The Joint Secretary to Government,
Public Law and order,
Fort St., George, Chennai-9.
5. The Public Prosecutor,
High Court, Chennai.

HCP No.1714 of 2016

NMJ (CO)
RS (07/04/2017)



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