

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

and

THE HON'BLE DR.JUSTICE ANITA SUMANTH
H.C.P.No.1978 of 2016

M.Santhanam

.. Petitioner

versus

1.The Inspector of Police (Crime),
J-8, Neelankarai Police Station,
Chennai.

2.The Commissioner of Police,
Greater Chennai,
Chennai - 600 008.

3.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Habeas Corpus, directing the respondents to produce the petitioner's son Pushparaj, son of Santhanam, detained under Act 14/82 vide order BCDFGISSSV.No.550/2016 dated 04.06.2016 and now confined at Puzhal Prison II, Puzhal, and produce before this Court and set him at liberty forthwith by call for records and setting aside the order of detention bearing BCDFGISSSV.No.550/2016 dated 04.06.2016 on the file of the second respondent.

For Petitioner : Mr.C.Arivazhagan

For Respondents : Mr.V.M.R.Rajentran

Additional Public Prosecutor

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O R D E R

[Order of the Court was made by S.NAGAMUTHU,J.]

This Habeas Corpus Petition has been filed, by the father of the detenu, namely, Pushparaj, to issue a Writ of Habeas Corpus, to call for the records connected with the detention order of the second respondent, in Memo No.550/BCDFGISSSV/2016, dated 04.06.2016 and set aside the same

and direct the respondents to produce the body and person of the petitioner's son, by name Pushparaj, son of Santhanam, male, aged about 23 years, detained in Central Prison-II, Puzhal, Chennai, before this Court and set him at liberty.

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

3. Though, several grounds have been raised in this Habeas Corpus Petition, Mr.C.Arivazhagan, the learned counsel appearing on behalf of the petitioner, would submit that several pages in the booklet furnished to the detenu are illegible and could not be read at all. This illegible copies 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. Per contra, the learned Additional Public Prosecutor would submit that the order of detention has been passed on cogent and sufficient materials and the same cannot be interfered with at the instance of the petitioner. Therefore, he submits that the Habeas Corpus Petition does not merit any consideration and the same is liable to be dismissed.

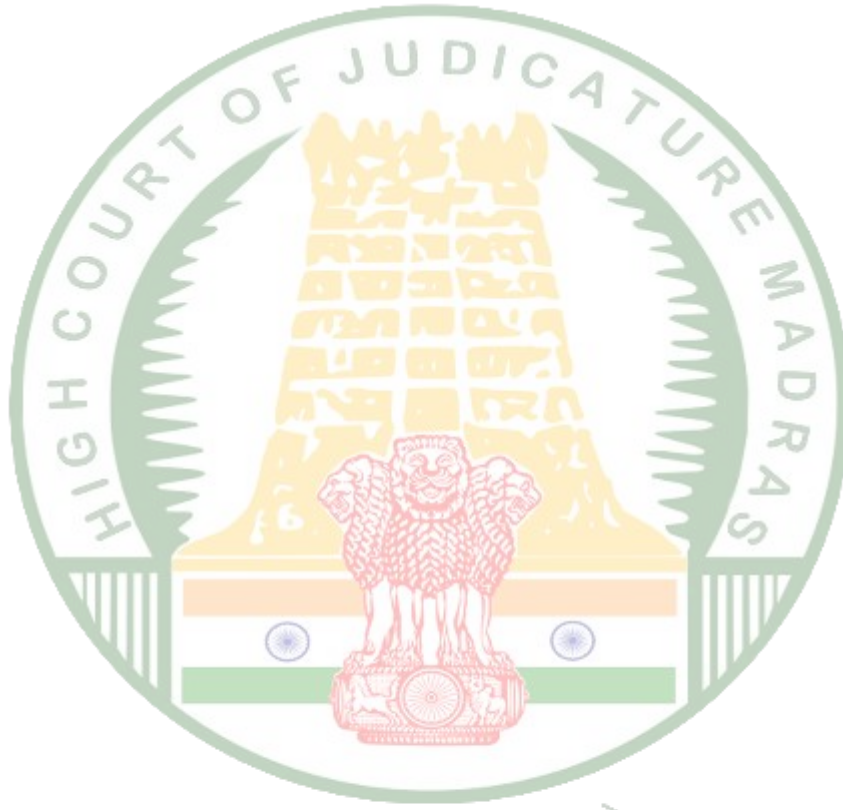
5. A perusal of the booklet supplied to the detenu would show that the copies of documents referred and relied upon and referred to by the Detaining Authority, several pages are illegible and are totally unreadable. This has resulted in the detenu being deprived of making an effective representation.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

6. Accordingly, the Habeas Corpus Petition is allowed and the impugned detention order, dated 04.06.2016, 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

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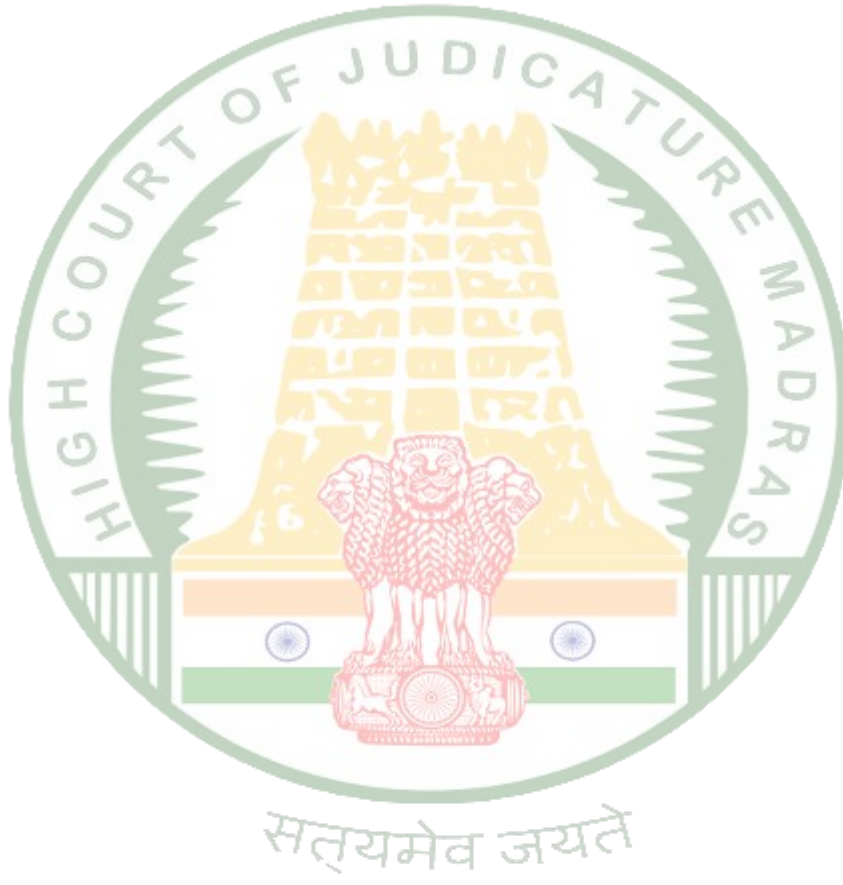
Sub Assistant Registrar



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To

- 1.The Inspector of Police (Crime),
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Chennai.
- 2.The Commissioner of Police,
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Chennai - 600 008.
- 3.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Chennai - 600 009.
- 4 The Superintendent Central Prison, Puzhal, Chennai 66
- 5 The Joint Secretary to Government Public (Law & Order)
Department, Fort Saint George, Chennai 9
- 6.The Additional Public Prosecutor
High Court, Madras.

ks (CO)
md(05/04/2017)

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