

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2018

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1525 of 2018

Anbarasi
W/o.Sathish @ Ravi

... Petitioner

-vs-

1.The District Magistrate cum Authorized Officer,
First Floor, Vazhuthavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

2.The Secretary to the Government,
Government of India,
Ministry of Home Affairs.
(Department of Internal Security),
North Block, New Delhi - 110001.

3.The Chief Superintendent of Jails,
Central Prison,
Kalapet, Puducherry.

... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a Writ of Habeas Corpus calling for the records in connection with the order of detention passed by first respondent in No.05/DM/RO/D2/PPASAA/2018 dated 13.07.2018 against the petitioner's husband the detenu Sathish @ Ravi S/o.Velu, confined at Central Prison, Kalapet, Puducherry and set aside the same, consequently direct the

respondents to produce the body of the detenu before this Court and set him at liberty.

For Petitioner : Mr.R.Vivekananthan
For Respondents : Mr.D.Bharatha Chakravarthy
Public Prosecutor (P) [R1&R3]
Mr.A.Veeramani, CGSC [R2]

ORDER

(Order of the Court was made by **C.T.SELVAM, J**)

Petitioner is the wife of the detenu Sathish @ Ravi S/o.Velu, who has been branded as a 'Goonda and Dangerous Person' under the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010) and detained under order of the first respondent passed in No.05/DM/RO/D2/PPASAA/2018 dated 13.07.2018.

2. The alleged ground case has been registered against the detenu in Crime No.110 of 2018 on the file of Odiansalai Police Station, for offences u/s.353, 506(ii) & 25(1)(a) of Arms Act. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Public Prosecutor [Puducherry] for respondents 1 and 3 and learned Central Government Standing Counsel for second respondent.

4. On a perusal of the detention order, it is found that the detaining authority has informed the possibility of the detenu being released on bail. However, the connected bail petition has not been furnished in the typed set. When documents relied on by detaining authority has not been furnished, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India, on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

The Habeas Corpus Petition is allowed and the impugned detention order passed by first respondent, detaining the detenu Sathish @ Ravi S/o.Velu in No.05/DM/RO/D2/PPASAA/2018 dated 13.07.2018 is quashed. The above named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

[C.T.S., J] [M.N.K., J]
24.10.2018

Index: Yes/No
Internet: Yes
gm

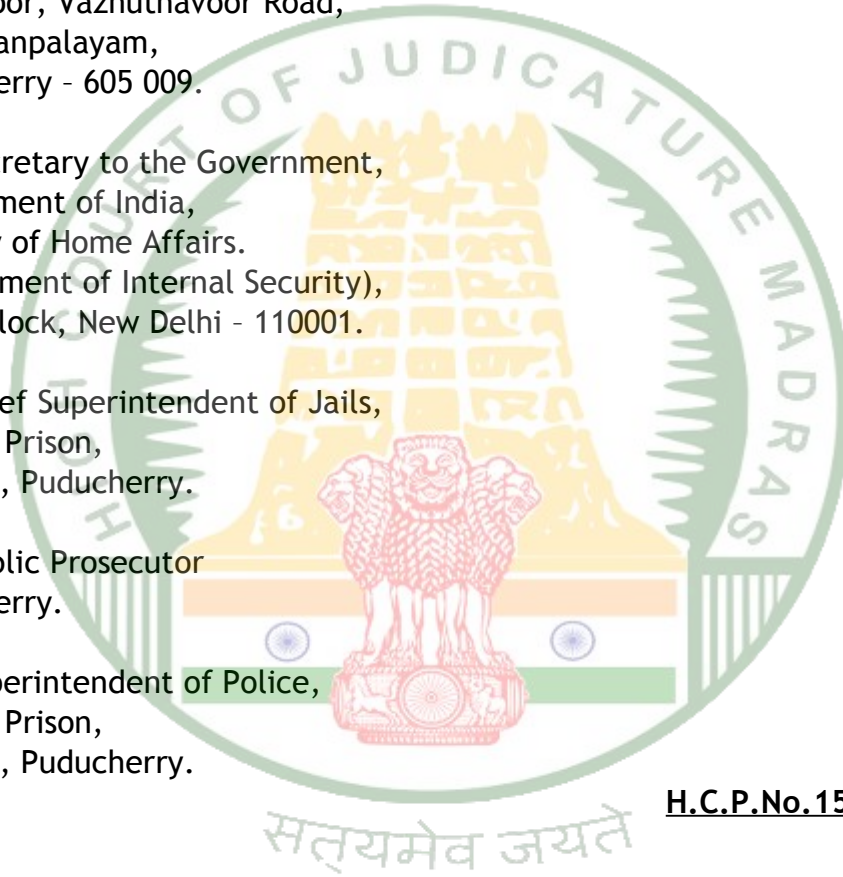
WEB COPY

C.T.SELVAM, J
and
M.NIRMAL KUMAR, J

gm

To

- 1.The District Magistrate cum Authorized Officer,
First Floor, Vazhuthavoor Road,
Kavundanpalayam,
Puducherry - 605 009.
- 2.The Secretary to the Government,
Government of India,
Ministry of Home Affairs.
(Department of Internal Security),
North Block, New Delhi - 110001.
- 3.The Chief Superintendent of Jails,
Central Prison,
Kalapet, Puducherry.
- 3.The Public Prosecutor
Puducherry.
- 4.The Superintendent of Police,
Central Prison,
Kalapet, Puducherry.



H.C.P.No.1525 of 2018

WEB COPY

24.10.2018