

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.09.2018
CORAM
THE HONOURABLE MR.JUSTICE C.T.SELVAM
and
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.No.1772 of 2018

Kalavathi
W/o.Parameswaran ... Petitioner
-vs-

1.The State of Tamil Nadu,
represented by its
Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2.The District Collector and District Magistrate,
Erode District,
Erode. ... Respondents

Writ petition under Article 226 of the Constitution of India filed praying for issuance of a Writ of Habeas Corpus calling for the entire records relating to the petitioner's husband detention under Tamil Nadu Act 14 of 1982 vide detention order dated 12.12.2017 on the file of second respondent herein made in proceedings Memo Cr.M.P.No.24/Goonda/2017 C1, quash the same as illegal and consequently direct the respondents herein to produce the petitioner's husband namely Parames @ Parameswaran S/o.Ponnan, aged 28 years, before this Court and set the petitioner's husband at liberty from detention, now the petitioner's husband detained at Central Prison, Coimbatore.

For Petitioner : Mr.W.Camyles Gandhi
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(Order of the Court was made by C.T.SELVAM, J)
Petitioner is the wife of the detenu Parames alias Parameswaran, who has been branded as a [Goonda] under the Tamil Nadu Act 14 of 1982 and detained under order of the second respondent passed in Cr.M.P.No.24/Goonda/2017 C1 dated 12.12.2017.

2. The detenu came to adverse notice in the following cases:

Sl.No.

Police Station and Crime No.

Offences u/s.

1.

Gobichettipalayam Police Station, Crime No.253/2015
379 IPC

2.

Nambiyur Police Station, Crime No.328/2017

454 and 511 IPC

3.

Gobichettipalayam Police Station, Crime No.777/2017

454 and 511 IPC

4.

Gobichettipalayam Police Station, Crime No.814/2017

454 and 511 IPC

5.

Gobichettipalayam Police Station, Crime No.842/2017

392 and 394 IPC

The alleged ground case has been registered against the detenu in Crime No.224 of 2017 on the file of Siruvalur Police Station, for offence u/s.392 r/w 397 IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor for respondents.

4. This is the second Habeas Corpus Petition. In the earlier petition, the ground presently raised by petitioner that a portion in page Nos.6 and 108 of the typed set is illegible which adversely affects his right to make an effective representation, has not been canvassed. When documents in the typed set are illegible, 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 the second respondent, detaining the detenu Parames alias Parameswaran in Cr.M.P.No.24/Goonda/2017 C1 dated 12.12.2017 is quashed. The above named detenu is ordered to be set at liberty forthwith, unless her custody is required in connection with any other case.

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

27.09.2018

Index: Yes/No

Internet: Yes

gm

C.T.SELVAM, J

and

M.NIRMAL KUMAR, J

gm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 600009.

2.The District Collector and District Magistrate,
Erode District,
Erode.

3.The Public Prosecutor
High Court, Chennai.

4.The Superintendent of Police,
Central Prison,
Coimbatore.

H.C.P.No.1772 of 2018

27.09.2018