

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice M. NIRMAL KUMAR

H.C.P. No. 223 of 2019

Rani

...Petitioner

Vs

1. Government of Tamil Nadu,
Rep. By its Secretary,
Home, Prohibition and Excise (XVI) Department,
Fort St. George, Chennai - 9

2. Commissioner of Police,
Greater Chennai.

...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 calling for the records in Memo No. 1070/BCDFGISSSV/2018 dated 23.11.2018 on the file of the 2nd respondent herein and set aside the same and direct the respondents herein to produce the body of the petitioner's son Thiru Ajith, Son of Ranjan, aged 23 years, now confined in Central Prison, Puzhal, Chennai and set him at liberty.

For Petitioner : Ms.R.Subhadra Devi

For Respondents: Mr.C.Iyyappa Raj
Addl. Public Prosecutor

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is the mother of detenu Ajith, Son of Ranjan, aged about 23 years has come up with this habeas corpus petition, challenging the detention order passed against him by the second respondent, in Memo No. 1070/BCDFGISSSV/2018 dated 23.11.2018, detaining him as "Goonda", as contemplated under Section 2(f) of the Tamil Nadu Act 14 of 1982.

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, several grounds were raised in the petition, the learned counsel appearing for the petitioner would mainly focus on the ground only in respect of non-application of mind on the part of the detaining authority in passing the order of detention.

4. Learned counsel appearing for the petitioner submitted that page nos. 16 and 192 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 this ground and the same is liable to be quashed.

5. We have gone through the same. A perusal of the booklet supplied to the detenu would show that page nos. 16 and 192 in the booklet furnished to the detenu are illegible and could not be read at all. 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. 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. 1070/BCDFGISSSV/2018 dated 23.11.2018 passed by the 2nd respondent is set aside. The detenu, Ajith, Son of Ranjan, is directed to be released forthwith unless his presence is required in connection with any other case.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

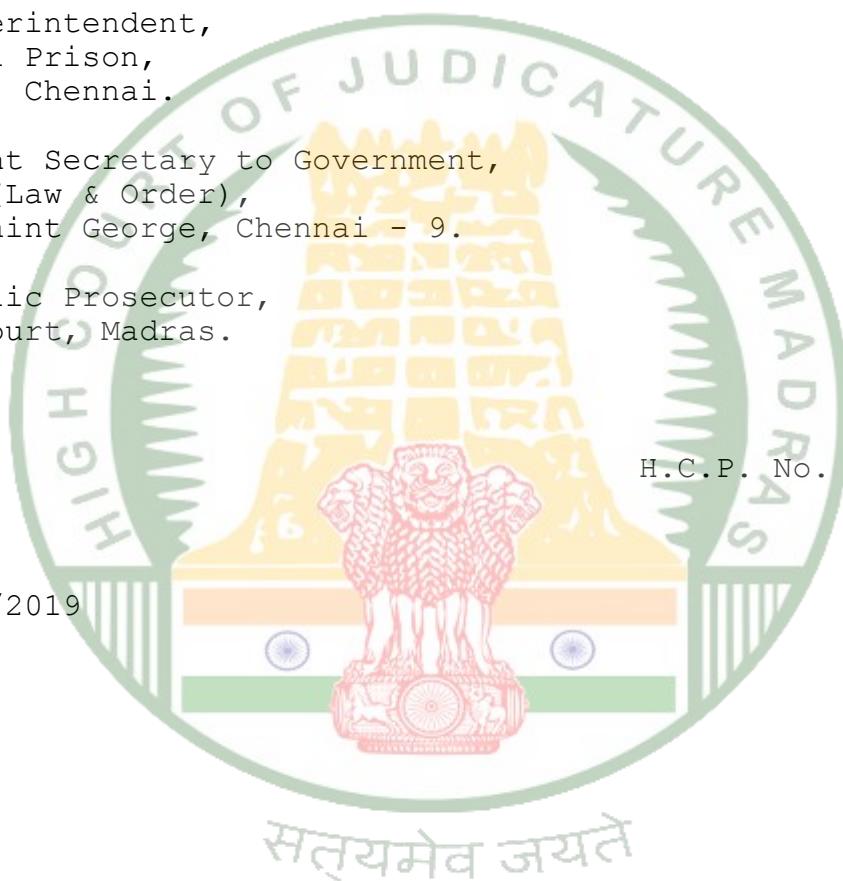
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To:

1. The Secretary,
Home, Prohibition and Excise(XVI) Department,
Fort St. George, Chennai - 9
2. Commissioner of Police,
Greater Chennai.
3. The Superintendent,
Central Prison,
Puzhal, Chennai.
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. 223 of 2019

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