

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.248 of 2019

Govindaraj

.. Petitioner

Vs

1. State of Tamil Nadu
Rep.by the Secretary Home,
Prohibition and Excise Department,
Fort Saint George, Chennai-600 009.
2. The District Collector and District Magistrate,
Coimbatore District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the entire records of the detention order vide Cr.M.P.No.19/G/2018/E1 dated 03.10.2018, on the file of second respondent and quash the same and produce petitioner's son Harikrishnan S/o.Govindaraj, 22 years, confined at Central Prison Coimbatore and set him at liberty.

For Petitioner.. Mr.C.Ramkumar

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 father of the detenu has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, against his son Harikrishnan, aged 22 years, vide proceedings

Cr.M.P.No.19/G/2018/E1 dated 03.10.2018, detaining his son 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. The learned counsel appearing for the petitioner submitted that page.24 of the booklet furnished to the detenu is illegible and could not be read at all. This illegible copy 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 the booklet furnished to the detenu at page no.24 is 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 Cr.M.P.No.19/G/2018/E1 dated 03.10.2018 passed by the 2nd respondent is set aside. The detenu, namely, Harikrishnan S/o.Govindaraj, 22 years, is directed to be released forthwith unless his presence is required in connection with any other case.

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Sd/-
Assistant Registrar(CS III)

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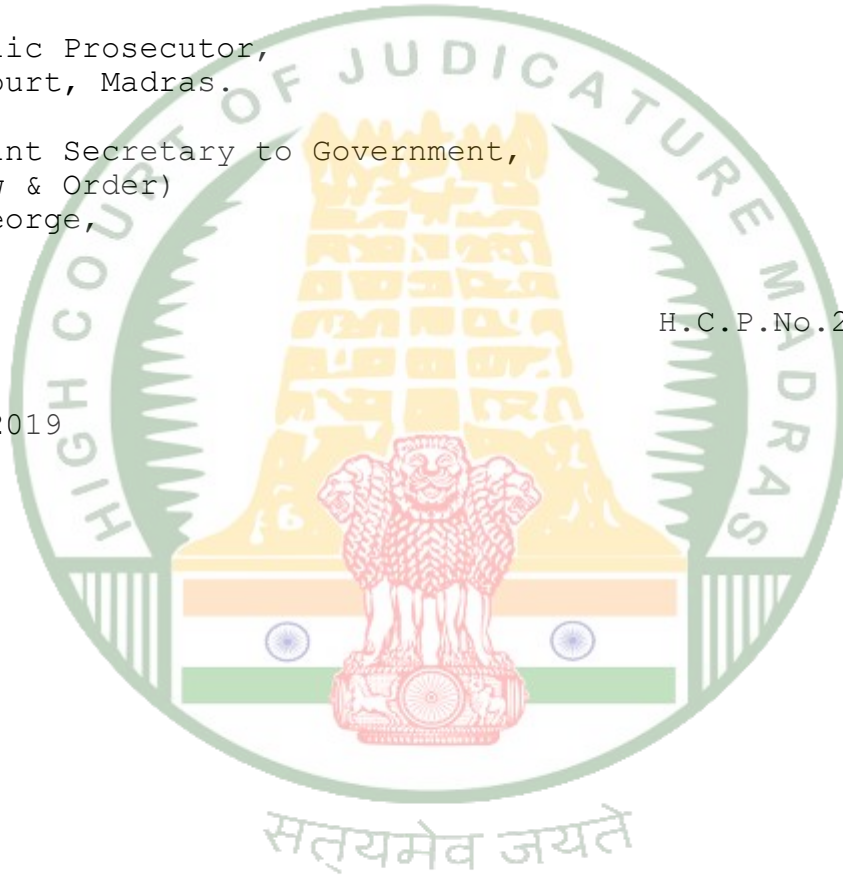
Sub Assistant Registrar

To

- 1.The Secretary
Home, Prohibition and Excise Department,
Fort St. George, Chennai-600 009.
2. The District Collector and District Magistrate,
Coimbatore District.
- 3.The Superintendent,
Central Prison, Coimbatore.
- 4.The Public Prosecutor,
High Court, Madras.
5. The Joint Secretary to Government,
Public(Law & Order)
Fort St.George,
Cheenai-9.

H.C.P.No.248 of 2019

vba(co)
nr 25/07/2019



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