

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. 240 of 2019

Mani @ Davu Mani

...Petitioner

Vs

1.Commissioner of Police,
Salem City - Linemedu,
Salem - 636 006

2. The State Government,
Rep.by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9

... 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 of the first respondent herein pertaining to the detention order made in Order No. C.M.P.No.59/Goonda/Salem City/2018 dated 30.08.2018 and to set aside the order of detention as contemplated under Section 3(1) of the Tamil Nadu Act 14 of 1982 and direct the first respondent to produce the detenu/petitioner Mani @ Davu mani, Male, aged 24 years, son of Ravichandran now detained at Central Prison, Salem before this Hon'ble Court and set him at liberty.

For Petitioner: Mr. O.A.Dinesh Kumar

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 detenu Mani @ Davu mani aged about 24 years has come up with this habeas corpus petition, challenging the detention order passed against him by the first respondent, in Order No. C.M.P.No.59/Goonda/Salem City/2018 dated 30.08.2018, 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 in page nos. 223,224 & 225 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.

5. We have gone through the same. A perusal of the booklet supplied to the detenu would show that page nos. 223,224 & 225 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 No. C.M.P.No.59/Goonda/Salem City/2018 dated 30.08.2018 passed by the first respondent is set aside. The detenu is directed to be released forthwith unless his presence is required in connection with any other case.

mmi/ssm

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Commissioner of Police,
Salem City - Linemedu,
Salem - 636 006

2. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 9

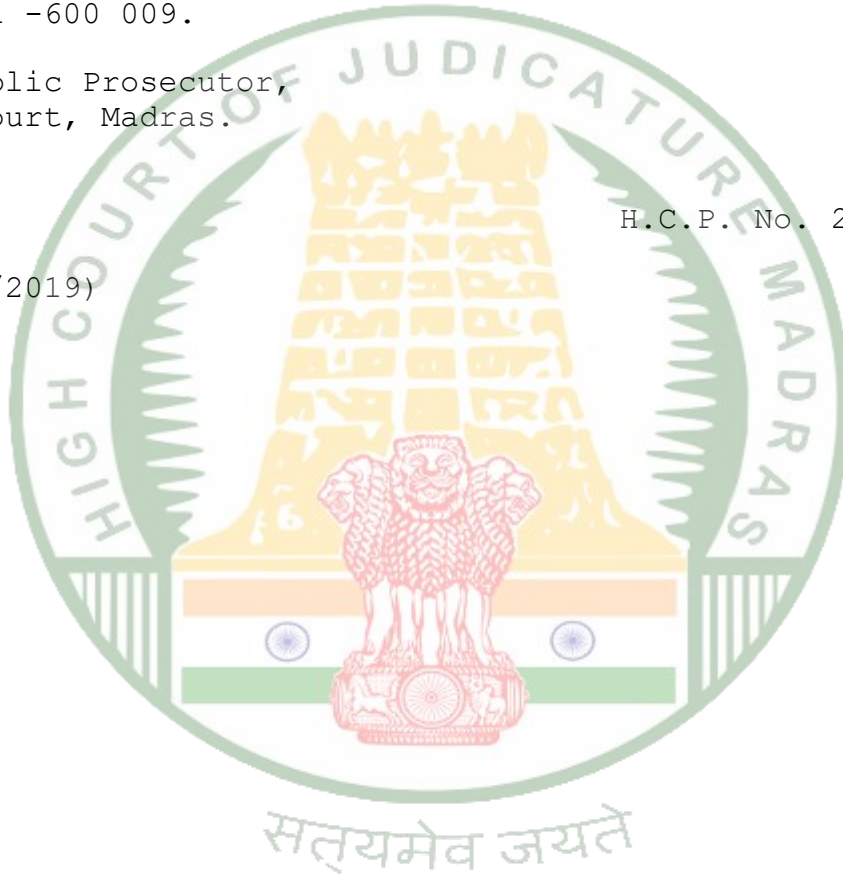
3. The Superintendent,
Central Prison,
Salem.

4. The Joint Secretary to Government,
Public (Law & Order),
Fort St. George,
Chennai - 600 009.

5. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 240 of 2019

Kak(22/07/2019)



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