

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2019

Coram

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

H.C.P.No. 749 of 2019

Padmini

.. Petitioner

Vs

1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The District Collector & District
Magistrate, Kancheepuram District,
Kancheepuram.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in connection with the order of detention passed by the second respondent dated 17.03.2019 in Memo No.BCDFGISSSV No.18/2019 against the son of the petitioner Deepan Chakravarthy, M/A 25, son of Selvadurai, who is confined at Central Prison, Puzhal, Chennai and set aside the same and consequently direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.A.Saran Raj

For Respondents : Mr.R.Prathap Kumar
: Addl. Public
Prosecutor

ORDER

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

The petitioner, who is the mother of the detenu Deepan Chakravarthy, M/A 25, son of Selvadurai, has come up with this

habeas corpus petition, challenging the detention order passed by the second respondent, vide Memo No.BCDFGISSSV No.18/2019 dated 17.03.2019, branding him as a "Goonda" under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Sand Offenders, Slum Grabbers and Video Pirates Act, 1982 [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 respondents 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 the detaining authority has relied on the similar cases in Kelambakkam Police Station Cr.No.19 of 2016 and Kanchi Taluk Police Station Cr.No.727 of 2013 in which bail was granted by the Principal District and Sessions Court, Chengalpattu and District Sessions Court II, Kancheepuram in C.M.P.Nos.508 of 2015 and 94 of 2014 respectively and the F.I.R. relating to the similar case found in Page No.223 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 F.I.R. relating to the similar case found in Page No.223 of the booklet 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 result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.BCDFGISSSV No.18/2019 dated 17.03.2019 passed by the second respondent is set aside. The

detenu, namely, Deepan Chakravarthy, son of Selvadurai, aged about 25 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar (CS-VII)

//True copy//

Sub Assistant Registrar

mmi/ssm

To

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

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BP (CO)
GMY (22/07/2019)

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