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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. 816 of 2019

N.Sophia

... Petitioner

Vs

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

2.The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
(Goonda Section), Vepery,
Chennai - 7.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records pertaining to the order of detention passed by the second respondent in Order No.121/BCDFGISSSV/2019 dated 14.03.2019 set aside the same, direct the second respondent to produce the detenu Nagaraj, S/o.Manohar, aged about 31 years before this Court, now confined at Central Prison at Puzhal, Chennai and set him at liberty forthwith.

For Petitioner : Mr.R.Ganesh Kumar

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



ORDER

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

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The petitioner, who is the wife of the detenu Nagaraj, S/o.Manohar, aged about 31 years, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide No.121/BCDFGISSSV/2019 dated 14.03.2019, 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 case in F1 Chintadripet Police Station Crime No.809 of 2014 in which bail was granted by the Principal Sessions Judge at Chennai in Crl.M.P.No.17395 of 2014 and the copy of the bail order found in Page No.127 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 copy of the bail order granted in the similar case in Crl.M.P.No.17395 of 2014 found in Page No.127 of the booklet furnished to the detenu 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 No.121/BCDFGISSSV/2019 dated



14.03.2019 passed by the second respondent is set aside. The detenu, namely, Nagaraj, S/o.Manohar, aged about 31 years is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai Police,
Office of the Commissioner of Police,
(Goonda Section), Vepery,
Chennai - 7.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.
- 5.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

+1cc to Mr.R.Ganesh Kumar, Advocate Sr.53395

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mp[co]
srg 01/08/2019