

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2019

Coram

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

H.C.P.No.926 of 2019

Karpagam

.. Petitioner

Vs

1.State of Tamil Nadu
rep. by The Secretary,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.

2.The Commissioner of Police,
The Greater Chennai City,
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 relating to the detention order in Memo No.186/BCDFGISSSV/2019 dated 11.04.2019 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's brother in law Nagaraj, S/o.Kuppusamy, aged about 34 years the detenu, now confined in Central Prison, Puzhal, Chennai, before this Court and set the petitioner's brother in law Nagaraj, S/o.Kuppusamy, aged about 34 years the detenu herein at liberty.

For Petitioner : Mr.D.Gopi Krishnan

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 sister in law of the detenu Nagaraj, S/o. Kuppusamy, aged about 34 years, has come up with this habeas corpus petition, challenging the detention order

passed by the second respondent, vide Memo No.186/BCDFGISSSV/2019 dated 11.04.2019, 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 learned counsel for the petitioner has raised several other grounds to assail the order of detention, he has mainly focused his argument on the ground that the detaining authority, while detaining the detenu, has not furnished the legible copies of the bail orders in respect of similar cases relied on by him and this deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. Learned counsel appearing for the petitioner submitted that the detaining authority has relied on the similar cases in J6 Thiruvanniyur Police Station Crime No.1187/2017 and R2 Kodambakkam Police Station Crime No.324 of 2018 in which bail was granted by the XVIII Metropolitan Magistrate Court, Saidapet, Chennai and Sessions Court, Chennai in CrI.M.P.Nos.1787 of 2017 and 8608 of 2018 respectively and the bail orders relating to the said similar cases found in Page Nos.291 and 293 of the booklet furnished to the detenu are illegible and could not be read at all. These 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 the bail orders relating to the similar cases found in Page Nos.291 and 293 of the booklet 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 result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.186/BCDFGISSSV/2019 dated 11.04.2019 passed by the second respondent is set aside. The

detenu, namely, Nagaraj, S/o.Kuppusamy, aged about 34 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
- 2.The Commissioner of Police,
The Greater Chennai City,
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 St. George, Chennai-9.

H.C.P.No. 926 of 2019

rsv(co)
nr 29/08/2019

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