

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT.TEEKAA RAMAN

H.C.P.No.1134 of 2019

Appu @ Appun Raj ... Petitioner

Vs

- 1.State of Tamil Nadu rep. by
The Secretary to the Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
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 in Memo No.276/BCDFGISSSV/2019 passed by the second respondent on 24.05.2019 on the file of the second respondent and quash the same as illegal and consequently direct the respondent to produce Appu @ Appun Raj, son of Santhakumar, aged about 27 years before this Court, who now detained in Central Prison, Puzhal II and set him at liberty.

For Petitioner : Mr.A.Elumalai
For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

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

The detenu himself is the petitioner. He has come up with this habeas corpus petition, challenging the detention order

passed by the second respondent, vide Memo No.276/BCDFGISSSV/2019 dated 24.05.2019, 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 documents relied on by him. This deprived the detenu from making effective representation. Therefore, on this sole ground, the detention order is liable to be quashed.

4. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page Nos.101 and 103 of the booklet, it is clear that the detaining authority, by providing illegible copies of the documents, has taken away the rights of detenu to effectively defend himself against his detention. Thus the impugned detention order is liable to be set aside on this ground.

5. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.276/BCDFGISSSV/2019 dated 24.05.2019 passed by the second respondent is set aside. The detenu, namely, Appu @ Appun Raj, son of Santhakumar, aged about 27 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

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

2.The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

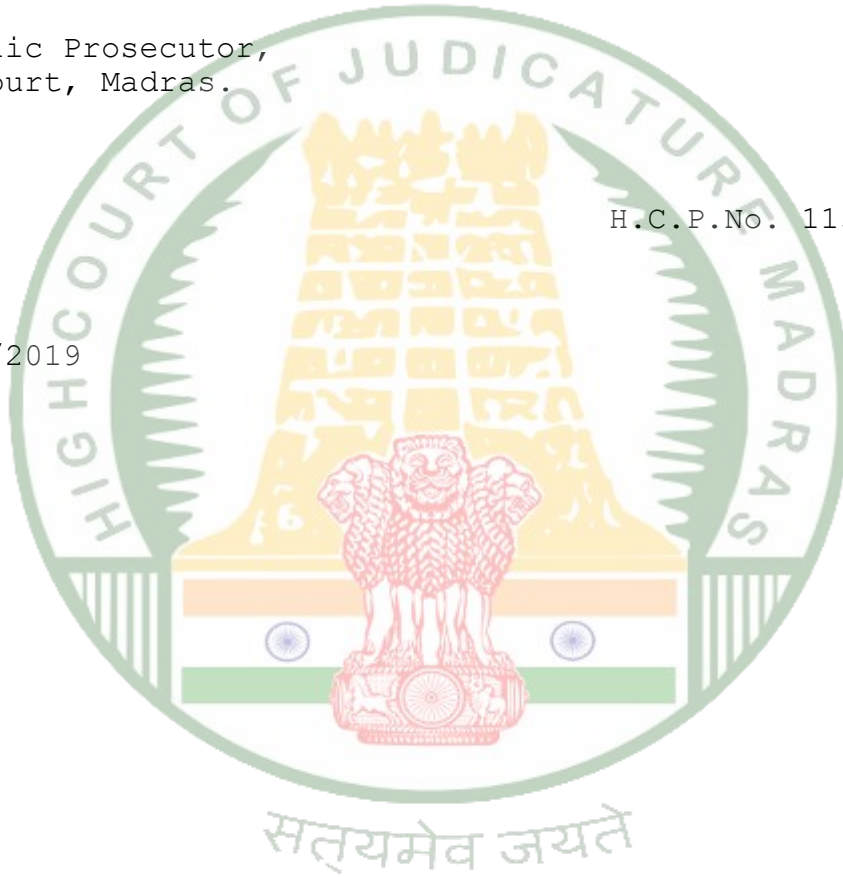
3.The Superintendent,
Central Prison, Puzhal, Chennai.

4.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

5.The Public Prosecutor,
High Court, Madras.

H.C.P.No. 1134 of 2019

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