

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

H.C.P.NO.1173 OF 2019

Supriya

.. Petitioner/
Wife of the Detenu

Vs

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George, Chennai - 600 009.
2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records and quash the same leading to the detention of the petitioner's husband Ruban, son of Edward, aged 31 years, detained under Act 14/82 vide detention order dated 16.05.2019 on the file of the second respondent herein in Memo No.256/BCDFGISSSV/2019 and consequently direct the respondents herein to produce the body and person of the said detenu before this Court and thereafter set him at liberty from Central Prison, Puzhal, Chennai.

For Petitioner : Mr.M.Baskar

For Respondents : Ms.V.Saradha Devi
Govt.Advocate (Crl. Side)

ORDER

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

The petitioner, who is the wife of the detenu Ruban, son of Edward, aged 31 years, has come up with this habeas corpus petition, challenging the detention order passed by the

second respondent, vide Memo No.256/BCDFGISSSV/2019 dated 16.05.2019, 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 Government Advocate (Crl. Side) 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 copy of the document 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. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page Nos.9, 12, 14, 50 and 74 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.256/BCDFGISSSV/2019 dated 16.05.2019 passed by the second respondent is set aside. The detenu, namely, Ruban, son of Edward, aged 31 years, is directed to be released forthwith unless his detention is required in connection with any other case.

सत्यमेव जयते Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

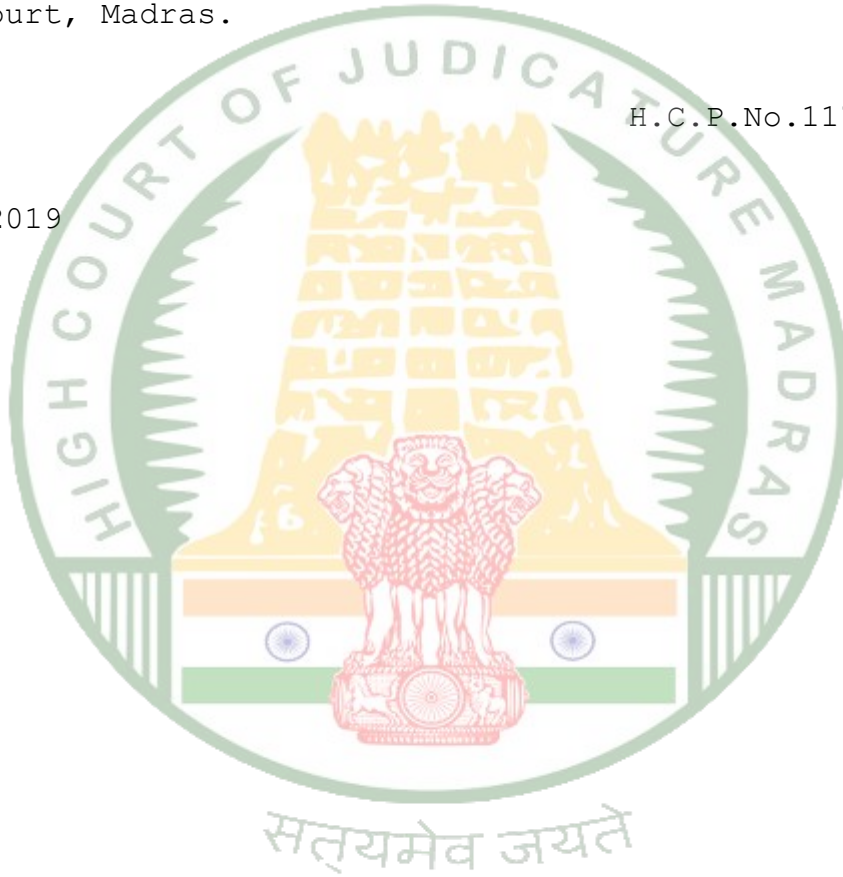
To

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

2. The Commissioner of Police,
Greater Chennai,
Vepery, Chennai.
3. The Superintendent,
Central Prison, Puzhal, Chennai.
4. The Joint Secretary to Government,
(Public Law & Order), Fort St.George,
Chennai-9.
5. The Public Prosecutor,
High Court, Madras.

H.C.P.No.1173 of 2019

PVS (CO)
CS/10/10/2019



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