

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2019

Coram

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

H.C.P. No. 1263 of 2019

Thilagavathi

... Petitioner/Sister of the detenu

-vs-

1.The State of Tamil Nadu
Rep. By its Secretary to Government,
Department of Prohibition and Excise(Home),
Fort St.George,
Chennai - 9.

2.The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office, Vepery,
Chennai - 600 007.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records in No.317/BCDFGISSSV/2019 dated 11.06.2019 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Vinoth Raja @ Raja @ Central Raja, son of Murugeasn, aged about 32 years, who is confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.Ilayaraja Kandasamy

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

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner is the cousin of the detenu Vinoth Raja @ Raja @ Central Raja, son of Murugeasn, aged about 32 years. The detenu has been detained by the second respondent by his order in No.317/BCDFGISSSV/2019 dated 11.06.2019 holding to be a "Goonda", as contemplated under Section 2(f) of Tamil Nadu Act 14 of 1982. The said order is under challenge in this Habeas Corpus Petition.

2.We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

3.Learned counsel for the petitioner submits that though the averments reflect that the detenu has involved in adverse cases, the same has not been mentioned in the grounds of detention. He would further submit that the details of the adverse cases are not reflected in the booklet as well as grounds of detention and hence the subjective satisfaction expressed is vitiated.

4.The detaining authority, after referring to the remand of the detenu in the ground case, has chosen to observe that the detenu has filed bail petition in the said case and the same is pending. Relying on the bail order granted in a similar case, the detaining authority has inferred that it is very likely of the detenu coming out on bail in the ground case. A perusal of the booklet would go to show that the details of the adverse cases have not been enclosed in the booklet furnished to the detenu. Therefore, non-furnishing of the details in respect of the adverse cases prevented the detenu from making effective representation. Thus, for the reasons stated herein-above, the impugned detention order cannot be sustained.

5.In the result, the Habeas Corpus Petition is allowed and the order of detention in No.317/BCDFGISSSV/2019 dated 11.06.2019, passed by the second respondent is set aside. The detenu, Vinoth Raja @ Raja @ Central Raja, son of Murugesan,

aged about 32 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,
Department of Prohibition and Excise(Home),
Fort St.George,
Chennai - 9.
2. The Joint Secretary to Government,
Public (Law & Order),Fort St.George,Chennai-9.
- 3.The Superintendent,
Central Prison,Puzhal,Chennai.
- 4.The Commissioner of Police,
Chennai City Police, Greater Chennai,
Commissioner Office, Vepery,
Chennai - 600 007.
- 5.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1263 of 2019

pvs(co)
nr 24/10/2019

सत्यमेव जयते

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