

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2019

Coram

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

H.C.P. No. 1413 of 2019

Ansari

... Petitioner/Mother of the detenue

-vs-

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

2.The Commissioner of Police,
Chennai City Police,
Greater Chennai, Commissioner Office,
Vepery, Chennai - 07.

... Respondents/Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in No.260/BCDFGISSSV/2019 dated 17.05.2019 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Akkil, son of Shajahan, aged about 24 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, who is the mother of the detenu Akkil, son of Shajahan, aged about 24 years, has come up with this habeas corpus petition, challenging the detention order passed by

the second respondent, vide Memo 260/BCDFGISSSV/2019 dated 17.05.2019, 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 copy of the document 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. 130 and 131 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. 260/BCDFGISSSV/2019 dated 17.05.2019 passed by the second respondent is set aside. The detenu, namely, Akkil, son of Shajahan, aged about 24 years, is directed to be released forthwith unless his detention is required in connection with any other case.

सत्यमेव जयते Sd/-

Assistant Registrar(CS V)

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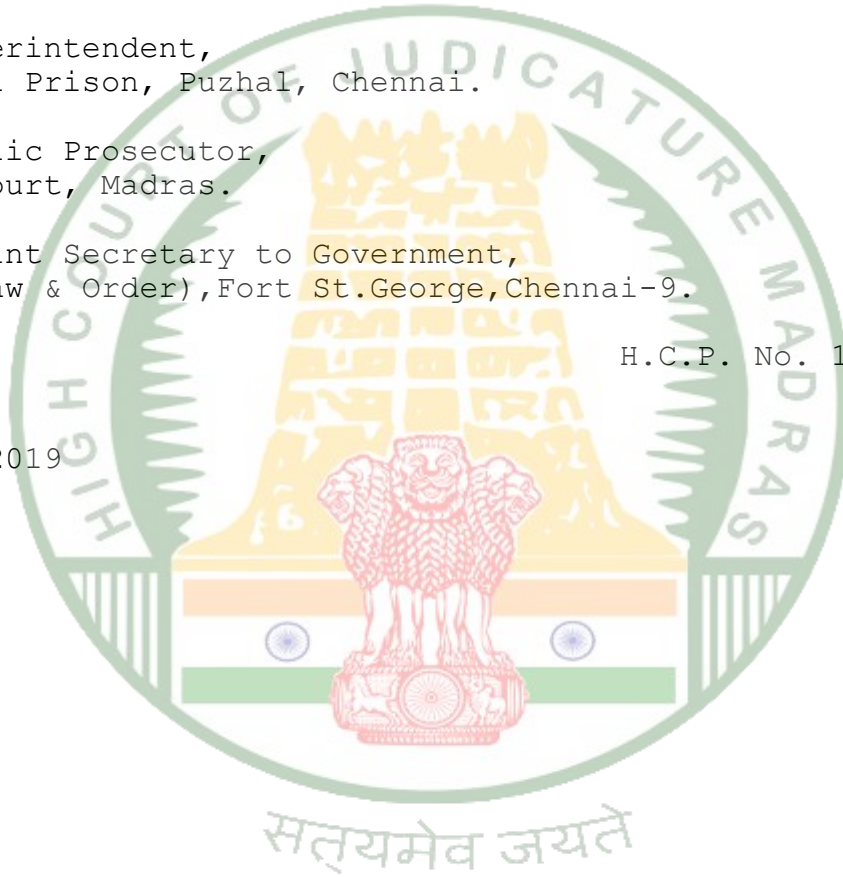
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To

- 1.The Secretary to Government,
Department of Prohibition and Excise (Home),
Fort St.George, Chennai - 600 009
- 2.The Commissioner of Police,
Chennai City Police,
Greater Chennai, Commissioner Office,
Vepery, Chennai - 07.
- 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. 1413 of 2019

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