

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH  
AND  
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

H.C.P. No. 1454 of 2019

R.Radhika ...Petitioner/Sister of the Detenu

-vs-

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

2.The Commissioner of Police,  
Greater Chennai, Chennai. ....Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records pertaining to the detention order dated 12.06.2019 in No.323/BCDFGISSSV/2019 passed by the second respondent and issue direction to produce the body of the detenu namely (Thiru. Rajesh aged 32 years, Son of Kasambu) presently confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Mr.D.Lakshmipathy

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 wife of the detenu Rajesh, Son of Kasambu, male, aged 32 years. The detenu has been detained by the second respondent by his order in No.323/BCDFGISSSV/2019 dated 12.06.2019, 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. Though the learned counsel for the petitioner raised several grounds, his main submission is that the arrest intimation has not been enclosed in the booklet furnished to the detenu, which according to the detenu, deprived of his opportunity to make effective representation to the Government opposing the order of detention and hence, the order of detention is liable to be quashed.

4. There is no satisfactory explanation offered by the learned Additional Public Prosecutor appearing for the detaining authority for the non-supply of the above said document.

5. Therefore, we are of the view that it is a fit case to set aside the impugned order of detention on the above ground. Hence the impugned order of detention is liable to be set aside.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in No.323/BCDFGISSSV/2019 dated 12.06.2019, passed by the second respondent is set aside. The detenu, namely, Rajesh, Son of Kasambu, male, aged 32 years, is directed to be released forthwith unless his detention is required in connection with any other case.

mml/ssm

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,  
Prohibition and Excise Department,  
Fort St. George, Chennai - 9.

2. The Commissioner of Police,  
Greater Chennai, Chennai.

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

4. The Joint Secretary to Government,  
Public (Law & Order),  
Fort St. George, Chennai - 600 009.

5.The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.D.Lakshmipathy, Advocate, SR.No.84271/19

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