

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2019

Coram

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

H.C.P.No.1513 of 2019

Umadevi

.. Petitioner

Vs

1.Government of Tamil Nadu rep. by its
Secretary,
Home, Prohibition and Excise (XVI)
Department, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police/
Detaining Authority,
Tiruppur City.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in C.No.07/G/IS/2019 dated 27.06.2019 on the file of the second respondent herein and set aside the same and direct the respondents herein to produce the body of the petitioner's husband Rajasekar, son of Mallusamy, aged 26 years, now confined in Central Prison, Coimbatore before this Court and set him at liberty.

For Petitioner : Ms.R.Subhadra Devi

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 wife of the detenu - Rajasekar, son of Mallusamy, aged 26 years, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide C.No.07/G/IS/2019 dated 27.06.2019, branding the detenu 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, she 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 No.173 of the booklet, it is clear that the detaining authority, by providing illegible copy of the document, 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 C.No.07/G/IS/2019 dated 27.06.2019 passed by the second respondent is set aside. The detenu, namely, Rajasekar, son of Mallusamy, aged 26 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

mni/ssm

To

1. The Secretary to Government,
Home, Prohibition and Excise (XVI)
Department, Fort St. George,
Chennai - 600 009.

2.The Commissioner of Police/
Detaining Authority,
Tiruppur City.

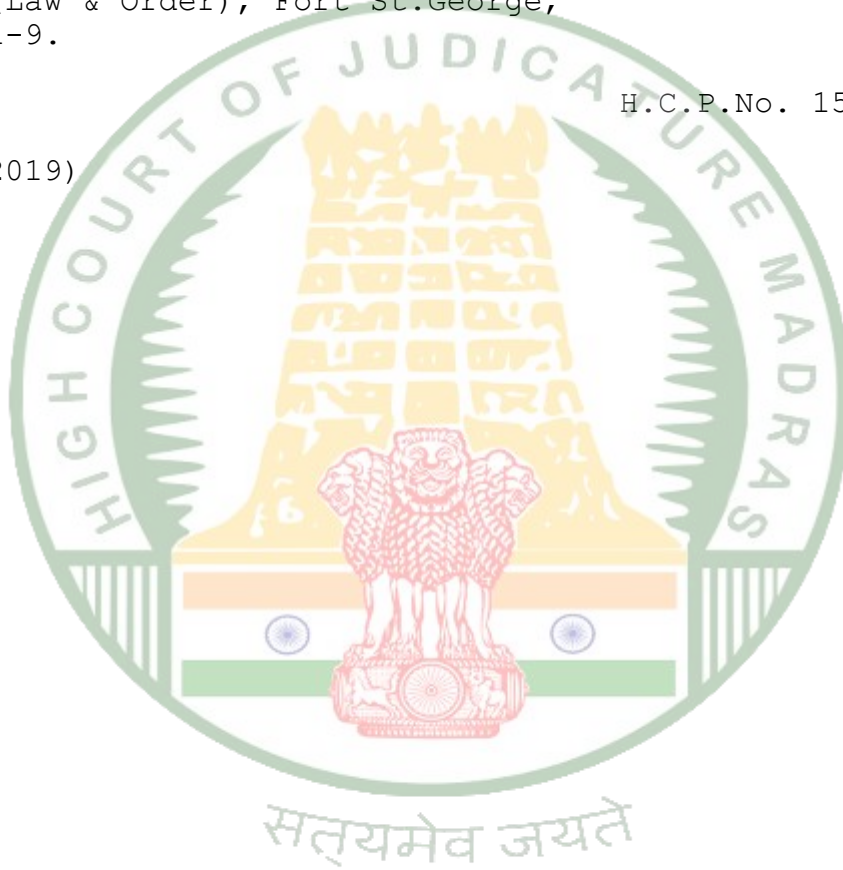
3.The Superintendent,
Central Prison, Coimbatore.

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. 1513 of 2019

PM(CO)
CB(22/11/2019)



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