

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.1501 of 2019

Murugan .. Petitioner/Father of the Detenu

Vs

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records in connection with the order of detention passed by the second respondent dated 26.06.2019 in BCDFGISSSV No.360 of 2019 against the petitioner's son Mr.Balasarathkumar, male, aged about 24 years, son of Murugan, who is confined at Central Prison, Puzhal, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him at liberty.

For Petitioner : Mr.M.Illiyas

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 father of the detenu - Balasarathkumar, aged about 24 years, son of Murugan, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide BCDFGISSSV No.360 of 2019 dated 26.06.2019, 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, he 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 Nos. 256 and 257 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 BCDFGISSSV No. 360 of 2019 dated 26.06.2019 passed by the second respondent is set aside. The detenu, namely, Balasarathkumar, aged about 24 years, son of Murugan, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

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

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

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

5. The Public Prosecutor,
High Court, Madras.

AKM/21.11.19/2P-6C /

H.C.P.No. 1501 of 2019



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