

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.10.2019

CORAM:

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

H.C.P.NO.1670 OF 2019

Gunasekar

... Petitioner

-vs-

1. State of Tamil Nadu,
represented by the Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai.
2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus to call for the records in Memo No.425/BCDFGISSSV/2019 on the file of the second respondent, quash the detention order dated 23.07.2019 and direct the respondent to produce the detenu Suresh, son of Gunasekar, aged about 33 years, detained at Central Prison, Puzhal-II under the Tamil Nadu Act 14 of 1982 before this Court and set him at liberty.

For Petitioner : Mr.A.Elumalai

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

ORDER

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

The petitioner is the father of the detenu Suresh, male, aged 33 years. The detenu has been detained by the second respondent by his order in No.425/BCDFGISSSV/2019 dated 23.07.2019, 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 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.425/BCDFGISSSV/2019 dated 23.07.2019, passed by the second respondent is set aside. The detenu, namely, Suresh, Son of Gunasekar, male, aged 33 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

(aeb)

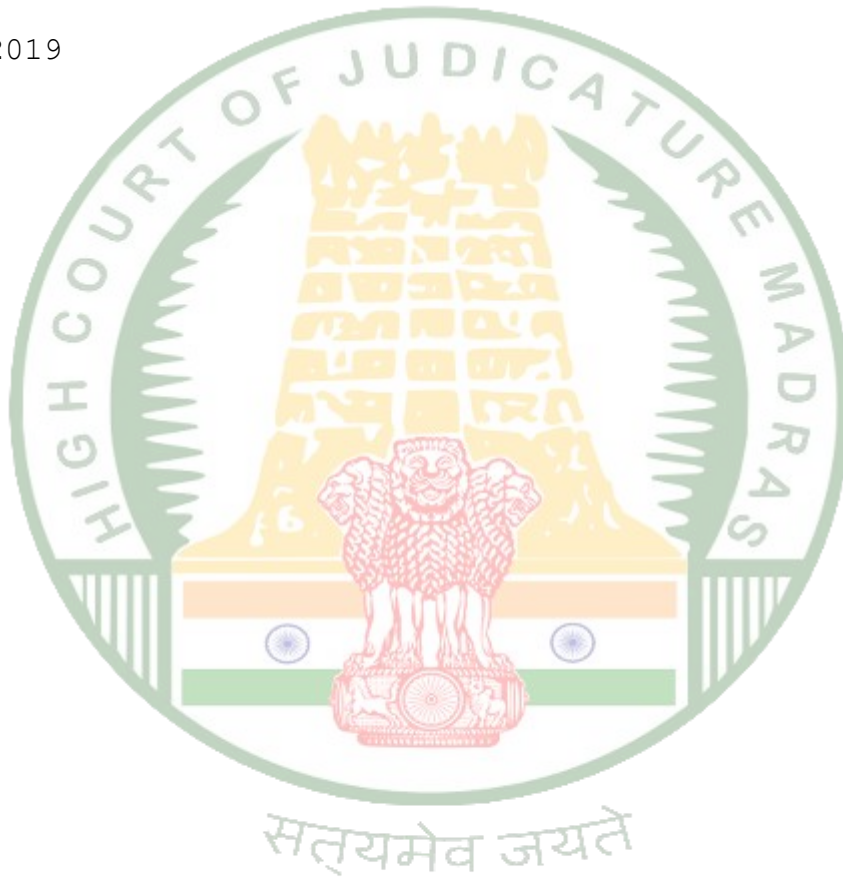
To

1. The Secretary to Government,
State of Tamil Nadu
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai.
2. The Commissioner of Police,
Greater Chennai,
Office of Commissioner of Police,
Vepery, Chennai - 7.

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.1670 of 2019

PA(CO)
CS/13/12/2019



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