

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2019

Coram

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

H.C.P. No.1689 of 2019

Parimala

... Petitioner

-vs-

1.The State of Tamil Nadu
rep. by its Secretary to Government,
Department of Prohibition and Excise
(Home), 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 to call for the records in BCDFGISSSV No.245/2019, dated 14.05.2019 on the file of the second respondent herein and set aside the same as illegal and produce the detenu Santhosh, son of Rajarathinam, aged about 28 years, now confined at Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner.. Mr.K.Murugesan

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 mother of the detenu Santhosh, son of Rajarathinam, aged about 28 years. The detenu has been detained by the second respondent by his order in BCDFGISSSV No.245/2019 dated 14.05.2019, 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 perused the materials available on record.

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.245 and 253 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 BCDFGISSV No.245/2019 dated 14.05.2019 passed by the second respondent is set aside. The detenu, namely, Santhosh, son of Rajarathinam, aged about 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//सत्यमेव जयते
Sub Assistant Registrar

mmi/ssm
To

1.The Secretary to Government,
Department of Prohibition and Excise
(Home), 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 and order)
Fort.St.George, Chennai 9.

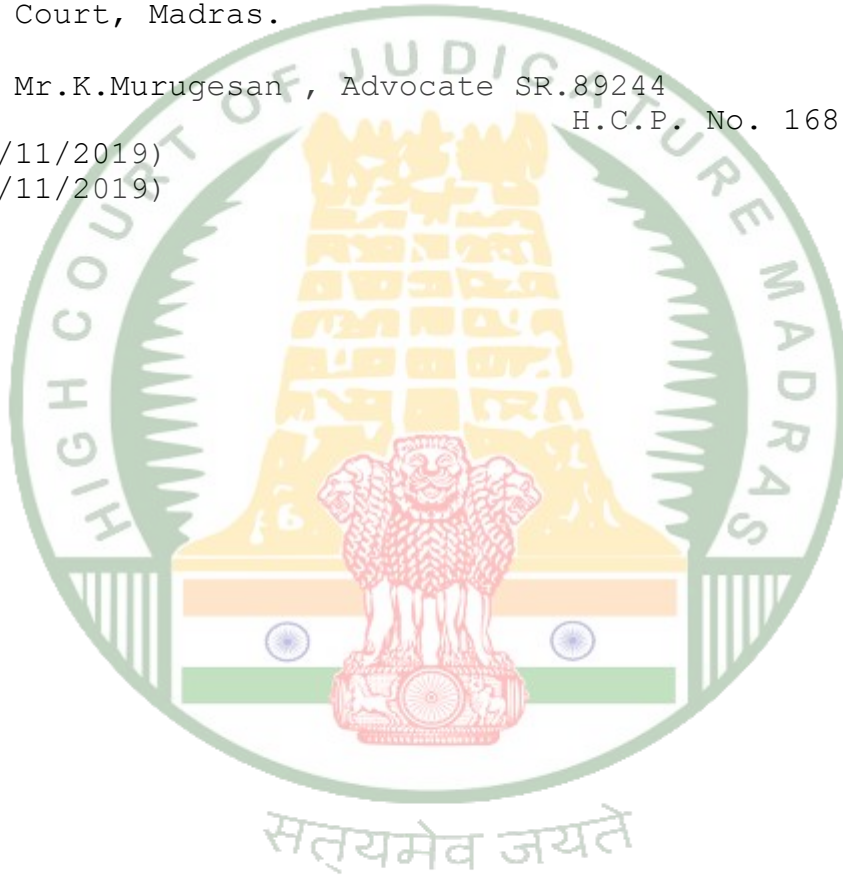
5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Murugesan , Advocate SR.89244

H.C.P. No. 1689 of 2019

A.SK(19/11/2019)

A.SK(28/11/2019)



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