

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

Coram

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

H.C.P.No.1761 of 2019

Anushiya

.. Petitioner

Vs

1. State Rep. by the Joint Secretary to Government,
Home Department, Chief Secretariat,
Gubert Avenue, Puducherry - 605 001.
 2. The District Magistrate-cum-Authorised Officer,
1st Floor, Vazhadvavoor Road,
Kavundanpalayam,
Puducherry - 605 009.
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of habeas corpus, to call for the records of the Detention Order vide 04/DM/RO/D2/PPASAA/2018, dated 12.07.2018 on the file of the second respondent and quash the same and produce the petitioner's husband Sivaraman @ Sivaramakrishnan, S/o.Muthaiyan, aged 25 years confined at Central Prison, Kalapet, Puducherry, before this Court and set him at liberty.

For Petitioner : Mr.S.N.Arunkumar
For Respondents: Mr.Bharathachakravarthi,
Public Prosecutor (Pondicherry)

ORDER

(The Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner, who is the husband of the detenu namely, Sivaraman @ Sivaramakrishnan, S/o.Muthaiyan, aged 25 years, has come up with this habeas corpus petition, challenging the detention order passed by the second respondent, vide No.04/DM/RO/D2/PPASAA/2018, dated 12.07.2018, branding him as a "Dangerous Person" under sub-Section (1) of Section 3 of the Puducherry Prevention of Anti-Social Activities Act, 2008 (Act No.10 of 2010) read with the order issued by the Government of

Puducherry in G.O.Ms.No.10, dated 06.03.2018 of the Home Department, Puducherry.

2. We have heard the learned counsel appearing for the petitioner and the learned Public Prosecutor (Pondicherry) appearing for the respondents and we have also perused the records carefully.

3. Though learned counsel appearing 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 copy of the general diary entry relied on by him and 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.279 to 290 of the booklet - General Diary, 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 vide No.04/DM/RO/D2/PPASAA/2018, dated 12.07.2018, passed by the second respondent is set aside. The detenu, namely, Sivaraman @ Sivaramakrishnan, S/o.Muthaiyan, aged 25 years, is directed to be released forthwith unless his detention is required in connection with any other case.

s/d-

Assistant Registrar(CS V)

True Copy

Sub-Assistant Registrar

Jrl

To

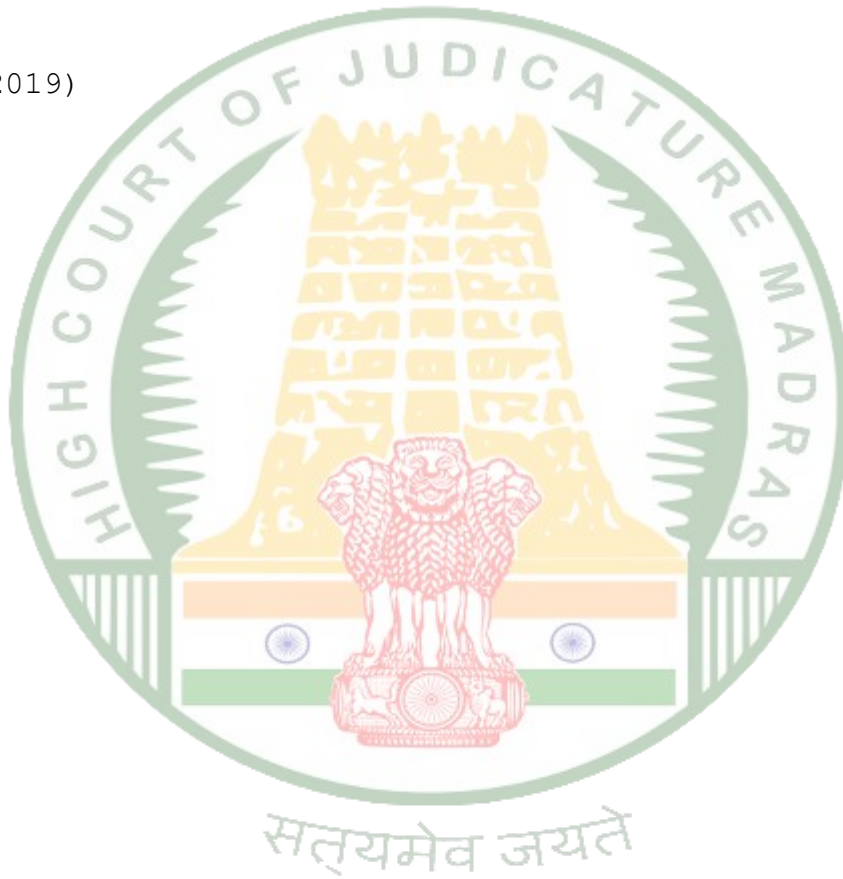
1. The Joint Secretary to Government,
Home Department, Chief Secretariat,
Gubert Avenue, Puducherry - 605 001.
2. The District Magistrate-cum-Authorised Officer,
1st Floor, Vazhadhavoor Road,
Kavundanpalayam,
Puducherry - 605 009.

3. The Superintendent,
Central Prison, Kalapet,
Puducherry.

+1 CC to Public Prosecutor(Pondy) sr 78580

H.C.P.No.1761 of 2019

PVS (CO)
SP(05/11/2019)



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