

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2019

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THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

H.C.P.No.2136 of 2019

Mariyammal
W/o.Gavaskar

... 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

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Habeas Corpus calling for the records in Memo No.243/BCDFGISSSV/2019 passed by second respondent dated 11.05.2019, on the file of second respondent and quash the same as illegal and consequently, direct the respondent to produce Gavaskar @ Guru, S/o.Annadurai, aged about 34 years, before this Court, who is now detained at Central Prison, Puzhal-II and set him at liberty.

For Petitioner : Mr.A.Elumalai

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

O R D E R

[Order of this Court was made by R.SUBBIAH, J]

Petitioner is the wife of the detenu viz., Gavaskar @ Guru S/o.Annadurai, aged 34 years, who has been branded as a 'Goonda' under the Tamil Nadu Act 14 of 1982 and detained under order of

second respondent passed in Memo No.243/BCDFGISSSV/2019 dated 11.05.2019.

2. The detenu came to adverse notice in the following cases:

Sl.No.	Police Station and Crime No.	Section of Law
1.	M4 Red Hills Police Station, Crime No.89/2019	392 IPC
2.	F5 Choolaimedu Police Station, Crime No.139/2019	379 IPC
3.	T3 Korattur Police Station, Crime No.168/2019	392 IPC
4.	T1 Ambattur Police Station, Crime No.506/2019	392 IPC
5.	M1 Madhavaram Police Station, Crime No.158/2019	392 IPC
6.	V6 Kolathur Police Station, Crime No.122/2019	392 IPC

The alleged ground case has been registered against the detenu in Crime No.167 of 2019 on the file of M1 Madhavaram Police Station for offences u/s.341, 294(b), 336, 427, 392, 397 and 506 (ii) IPC. Aggrieved by the order of detention, the present writ petition has been filed.

3. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing for respondents. Perused the materials on record.

4. Learned counsel for petitioner submits that page No.282 in the booklet furnished to the detenu is illegible. Learned counsel informs that the same adversely has affected his right of making an effective representation.

5. When the documents furnished to the detenu are illegible, opportunity of clear understanding and making effective representation in keeping with Article 22(5) of the Constitution of India on such understanding is lost and the detenu is deprived thereof. This would vitiate the order of detention. For the aforesaid reasons, this Court would allow the present petition.

Accordingly, the Habeas Corpus Petition is allowed and the detention order passed by the second respondent against the detenu viz., Gavaskar @ Guru, S/o.Annadurai, in Memo No.243/BCDFGISSSV/2019 dated 11.05.2019, is set aside. The above

named detenu is ordered to be set at liberty forthwith, unless his custody is required in connection with any other case.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary to Government, State of Tamilnadu,
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 of 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.

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nr 24/02/2020

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