



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2019

Coram

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

H.C.P. No. 2385 of 2019
and Crl.M.P.No.17197 of 2019

B.Malathy

... Petitioner

-vs-

1.State of Tamil Nadu
Rep. by The Secretary,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Police,
The Greater Chennai City,
Vepery, Chennai - 7.

... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Habeas Corpus calling for the records relating to the detention order in Memo No.699/BCDFGISSSV/2019, dated 19.10.2019 passed by the second respondent under the Tamil Nadu Act 14 of 1982 and set aside the same and direct the respondents to produce the petitioner's husband Muthukrishnan B @ Lion Muthuvel @ Muthuvel, S/o.Sangaiah @ Singaiah, aged about 43 years, the detenu now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's husband Muthukrishnan B @ Lion Muthuvel @ Muthuvel, S/o.Sangaiah @ Singaiah, aged about 43 years the detenu herein at liberty.

For Petitioner : Mr.K.S.Kaviarasu

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



ORDER

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

WEB COPY

Considering the fact that the detenu is admittedly a heart patient, we are inclined to take up the main habeas corpus petition for final hearing.

2.The petitioner is the wife of the detenu, Muthukrishnan B @ Lion Muthuvel @ Muthuvel, S/o.Sangaiah @ Singaiah, aged about 43 years,. The detenu has been detained by the second respondent by his order in Memo No.699/BCDFGISSSV/2019, dated 19.10.2019, 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.

3. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records produced by the Detaining Authority.

4. 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.

5. On consideration of the submissions made on either side and upon perusal of the documents available on record, especially Page Nos.5, 6, 9, 55, 251 and 303 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.

6. In the result, the Habeas Corpus Petition is allowed and the order of detention in Memo No.699/BCDFGISSSV/2019, dated 19.10.2019, passed by the second respondent is set aside. The detenu, namely, Muthukrishnan B @ Lion Muthuvel @ Muthuvel, S/o.Sangaiah @ Singaiah, aged about 43 years is directed to be



released forthwith unless his detention is required in connection with any other case. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

mmi/ssm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Police,
The Greater Chennai City,
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. 2385 of 2019

PM(CO)
GMY(22/01/2020)