

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice D.KRISHNAKUMAR

H.C.P. No. 1849 of 2020

Amulu

...Petitioner

-vs-

1. The State of Tamil Nadu rep. by its
Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
The Commissioner Officer,
Vepery, Chennai - 7.
3. The Superintendent of Prison,
Central Prison, Puzhal
Chennai 600 066
4. State Rep. by its
The Inspector of Police
F 1, Chintradripet Police Station,
Chennai.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the entire records, relating to the detention order in Memo No.732/BCDFGISSV/2019 dated 31.10.2019 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 son Thaveedhu, the detenu, now confined in Central Prison, Puzhal, Chennai before this Court and set the petitioner's son Thaveedhu, Son of Arockiadoss, aged about 23 years the detenu herein and set him at liberty.

For Petitioner : Mr.M.Baskar

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 Thaveedhu, Son of Arockiadoss, aged about 23 years, who is the detenu. The detenu has been detained by the second respondent in connection with order in Memo No.732/BCDFGISSV/2019 dated 31.10.2019, holding him 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 and we have also perused the records carefully.

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 the accident register copy pertaining to the similar case at Page No.667 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 Memo No.732/BCDFGISSV/2019 dated 31.10.2019 passed by the second respondent is set aside. The detenu, namely, Thaveedhu, Son of Arockiadoss, aged about 23 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

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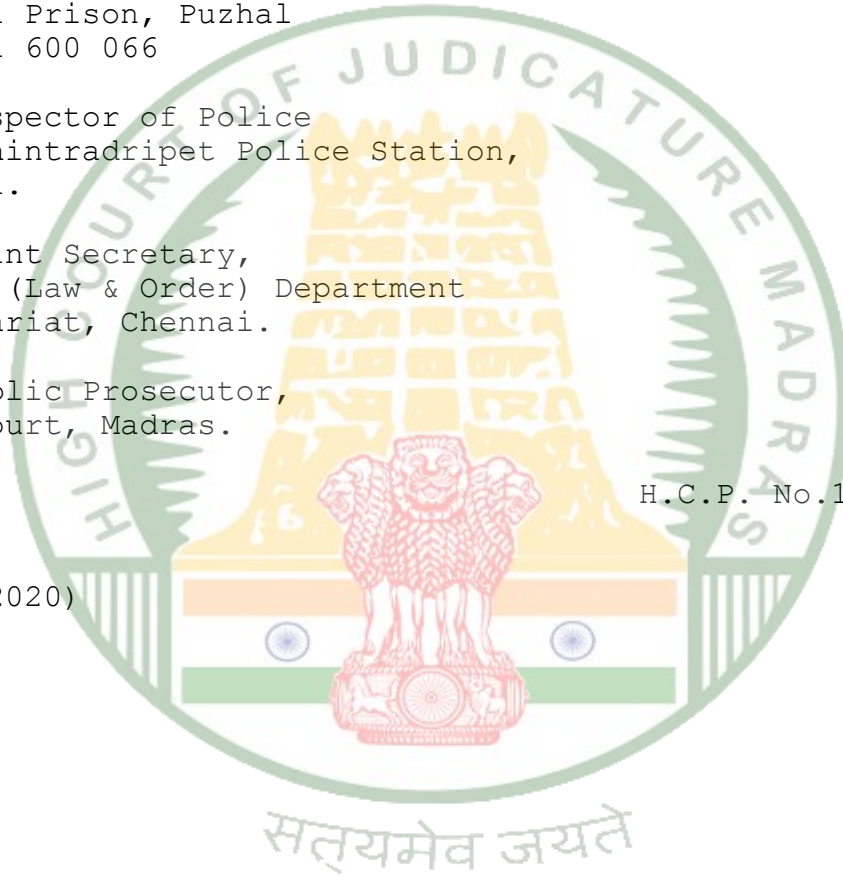
Sub Assistant Registrar

To

1. The Secretary to Government
Home, Prohibition and Excise Department
Fort St.George, Chennai 600 009.
2. The Commissioner of Police,
Greater Chennai,
The Commissioner Officer,
Vepery, Chennai - 7.
3. The Superintendent of Prison,
Central Prison, Puzhal
Chennai 600 066
4. The Inspector of Police
F 1, Chintradripet Police Station,
Chennai.
5. The Joint Secretary,
Public (Law & Order) Department
Secretariat, Chennai.
6. The Public Prosecutor,
High Court, Madras.

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RV(07/12/2020)



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