

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2020

Coram

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

H.C.P. No. 707 of 2020

T.Murugan @ Muruganandam

...Petitioner

-vs-

1. The State of Tamil Nadu
Rep. by the Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 09.

2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.

...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 Memo No.BCDFGIISSSV No.210/2020 dated 20.03.2020 passed by the second respondent under Tamil Nadu Act 14/1982 and quash the same and direct the respondent to produce the detenu Murugan @ Muruganandam now confined in Central Prison, Puzhal, Chennai before this Court and set the detenu at liberty.

For Petitioner : Mr.P.Kumaresan

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

ORDER

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

The petitioner, Murugan @ Muruganandam, S/o.Tamilvendhan, male, aged 36 years, is the detenu. The detenu has been detained by the second respondent in connection with order Memo

No.BCDFGISSSV No.210/2020 dated 20.03.2020, 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 Form - 91 pertaining to similar case at Page No.245 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.BCDFGISSSV No.210/2020 dated 20.03.2020 passed by the second respondent is set aside. The detenu, namely, Murugan @ Muruganandam, S/o.Tamilvendhan, male, aged 36 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

सत्यमेव जयते Assistant Registrar(CS VII)

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Sub Assistant Registrar

mmi/ssm

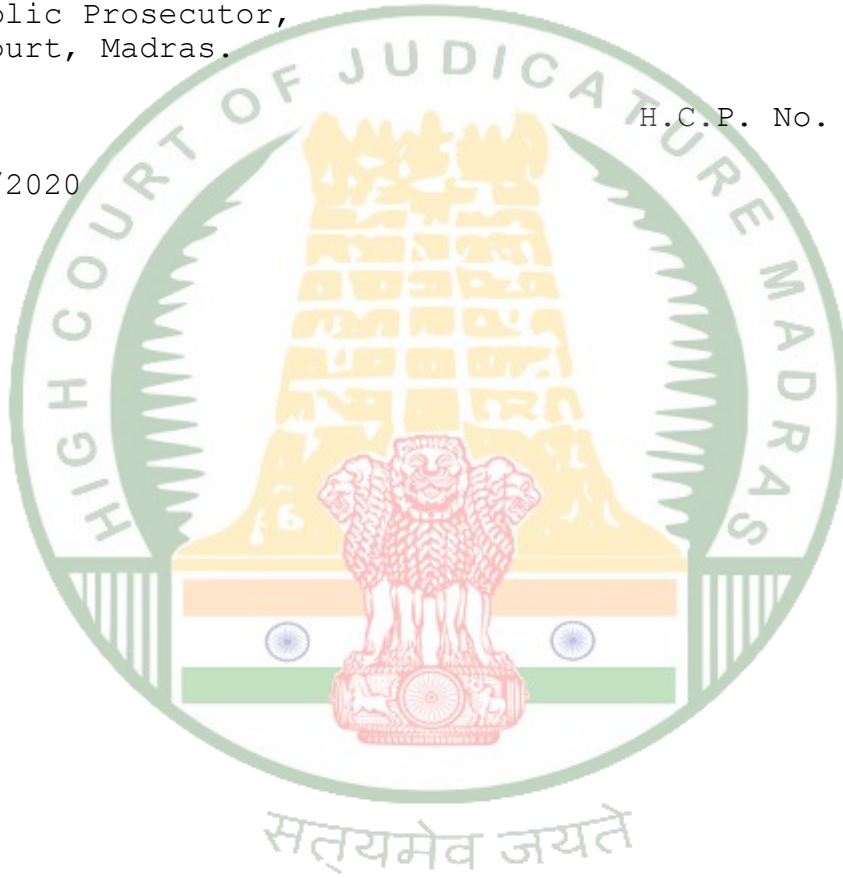
To

1. The Secretary,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 09.

2. The Joint Secretary to Government,
Public Law and Order,
Secretariat,
Chennai - 600 009.
3. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai.
4. The Superintendent,
Central Prison, Puzhal, Chennai -66.
5. The Public Prosecutor,
High Court, Madras.

H.C.P. No. 707 of 2020

CO (AD)
BDL/28/12/2020



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