

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.11.2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

H.C.P.NO.757 OF 2020

R.Nandhini

.. Petitioner/
Wife of the Detenue

Vs.

1. The State of Tamil Nadu
Rep. By its Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai - 09.
2. The District Collector and District Magistrate,
Cuddalore, Cuddalore District.
3. The Superintendent of Police,
O/o Superintendent Office,
Cuddalore, Cuddalore District.
4. The Superintendent of Prison,
Central Prison, Cuddalore District.
5. State Rep. By its
The Inspector of Police,
PEW - Chidambaram,
Cuddalore District

.. Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for a Writ of Habeas Corpus calling for the records relating to the proceedings of the second respondent herein C3/D.O./52/2020 dated 07.05.2020 and quash the same and produce the detenu Chinnakutty @ Rajarajan, TPDA No.3471 now detained at Central Prison, Cuddalore, Cuddalore District, before this Court and set him at liberty.

For Petitioner	: Mr.K.G.Senthilkumar
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 wife of Chinnakutty @ Rajarajan, S/o.Karunakaran, male, aged 28 years. The detenu has been detained by the second respondent in connection with order in C3/D.O./52/2020 dated 07.05.2020, holding him to be a "Bootlegger", as contemplated under Section 2(b) 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 forensic report pertaining to the ground case at Page No.105 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 C3/D.O./52/2020 dated 07.05.2020 passed by the second respondent is set aside. The detenu, namely, Chinnakutty @ Rajarajan, S/o. Karunakaran, male, aged 28 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mni/ssm

Superintendent of Prison,
Cuddalore Prison, Cuddalore District.

Inspector of Police,
Chidambaram,
Cuddalore District

Joint Secretary,
Order (Public) Department,
St. George, Chennai-9.

Public Prosecutor,
Court, Madras.

Mr. K.G. Senthilkumar, Advocate, S.R.No.36280

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