

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

Coram

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

H.C.P. No. 833 of 2020

Manimegalai

... Petitioner

-vs-

1.The State of Tamil Nadu
Rep. by its Additional Chief
Secretaty to Government Home,
Prohibition and Excise Department,
Chennai 600 009.

2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai 600 007.

3.State represented by
The Inspector of Police (L & O),
P-6, Kodunngaiyur Police Station,
Chennai.

4.The Superintendent,
Central Prison, Puzhal,
Chennai.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling upon the production of the records relating to the detention order dated on 28.02.2020 made in detention order Memo No. BCDFGISSSV / 145 / 2020 passed by the 2nd respondent herein quash the same and direct the respondents to produce the body or person of the petitioner's husband is detenue of Ashokkumar @ Ashok, S/o.Senthurpandiyan aged about 38 years branded as Drug Offender and now confined in Central Prison, Puzhal, Chennai, before this Hon'ble Court and set him at liberty forth.

For Petitioner : Mr.T.S.Sasi Kumar

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 Ashokkumar @ Ashok, S/o.Senthurpandiyan, aged about 38 years, who is the detenu. The detenu has been detained by the second respondent by his order in Memo No. BCDFGISSSV / 145 / 2020, dated 28.02.2020, holding him to be a "DRUG OFFENDER", as contemplated under Section 2(e) 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 remand report pertaining to the similar case at Page Nos.70 and 71 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 145 / 2020, dated 28.02.2020 passed by the second respondent is set aside. The detenu, namely, Ashokkumar @ Ashok, S/o.Senthurpandiyan, aged about 38 years is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

mmi/ssm
To

- 1.The Additional Chief
Secretaty to Government Home,
Prohibition and Excise Department,
Chennai 600 009.
- 2.The Commissioner of Police,
Greater Chennai City,
Vepery, Chennai 600 007.
- 3.The Inspector of Police (L & O),
P-6, Kodunngaiyur Police Station,
Chennai.
- 4.The Superintendent,
Central Prison, Puzhal,
Chennai.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Joint Secretary to Government,
Public(Law & Order),
Fort Saint George, Chennai - 9.

+1cc to M/s.T.S.Sasikumar, Advocate Sr.32761

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srg 06/11/2020