

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

Coram

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

H.C.P. No. 846 of 2020

Ramesh Babu

...Petitioner

Vs.

1.State of Tamil Nadu, rep.by
the Additional Chief Secretary to Government,
Government of Tamil Nadu,
(Home) Prohibition & Excise Department,
Secretariat, Fort.St.George, Chennai-9.

2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner Of Police
(Goonda Section), Vepery, Chennai-7.

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

4.The Inspector of Police,
K-10 Koyambedu Police Station,
Koyambedu, Chennai-107.

...Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Habeas Corpus to call for the entire records related to the detenu Nitish Babu's detention under Tamil Nadu Act 14 of 1982 vide detention order dated 20.3.2020 on the file of the second respondent herein made in proceeding No.211/BCDFGISSSV/2020, quash the same as illegal and consequently direct the respondents herein to produce the detenu Nitish Babu, S/oRamesh Babu before this Court and set the detenu at liberty, who is now detained in the Central Prison, Puzhal, Chennai.

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For Petitioner : Mr.V.Krishnakumar

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 father of Nitish Babu, S/o Ramesh Babu, male, aged 34 years. The detenu has been detained by the second respondent in connection with order in No.211/BCDFGISSSV/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 the F.I.R. pertaining to similar case at Page No.64 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 No.211/BCDFGISSSV/2020, dated 20.03.2020 passed by the second respondent is set aside. The

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detenu, namely, Nitish Babu, S/oRamesh Babu, male, aged 34 years, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

- 1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
(Home) Prohibition & Excise Department,
Secretariat, Fort.St.George, Chennai-9.
- 2.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner Of Police
(Goonda Section), Vepery, Chennai-7.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai.
- 4.The Inspector of Police,
K-10 Koyambedu Police Station,
Koyambedu, Chennai-107.
- 5.The Public Prosecutor,
High Court, Madras.
- 6.The Joint Secretary to Government,
Public(Law & Order), Fort St.George,
chennai-9.

+2cc to Mr.K.Krishnakumar, Advocate SR.36122(18/12/2020)

H.C.P. No.846 of 2020

PP(CO)
CB(09/12/2020)

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