

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2020

Coram

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

H.C.P. No. 963 of 2020

Eswari ... Petitioner

-vs-

- 1.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Veppery, Chennai - 7.
- 2.Govt. Of Tamil Nadu rep. By its
Additional Chief Secretary,
Home, Prohibition and Excise
Department, Secretariat,
Chennai - 9.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai - 66.
- 4.Inspector of Police (L & O),
T-3 Korattur Police Station,
Korattur, Chennai. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus to call for the records in Detention Order 134/BCDFGISSSV/2020 dated 25/02/2020 on the file of the 1st Respondent and quash the same and direct the respondents herein to produce the body of the detenu Suntharakandan, M/A 22 Years, son of Subramani, now confined in Central Prison, Puzhal, Chennai before this Court and set him at liberty.

For Petitioner : Ms.S.P.Arthi

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 Suntharakandan, aged about 22 Years, son of Subramani, who is the detenu. The detenu has been detained by the first respondent by his order in 134/BCDFGISSSV/2020 dated 25.02.2020, 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. We have also perused the records produced by the Detaining Authority.

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 bail order pertaining to the similar case at Page No.235 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 134/BCDFGISSSV/2020 dated 25.02.2020, passed by the first respondent is set aside. The detenu, namely, Suntharakandan, aged about 22 Years, son of Subramani, is directed to be released forthwith unless his detention is required in connection with any other case.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Commissioner of Police,
Greater Chennai,
Office of the Commissioner of Police,
Veppery, Chennai - 7.

2.The Additional Chief Secretary,
Home, Prohibition and Excise
Department, Secretariat,
Chennai - 9.

3.The Superintendent,
Central Prison, Puzhal, Chennai - 66.

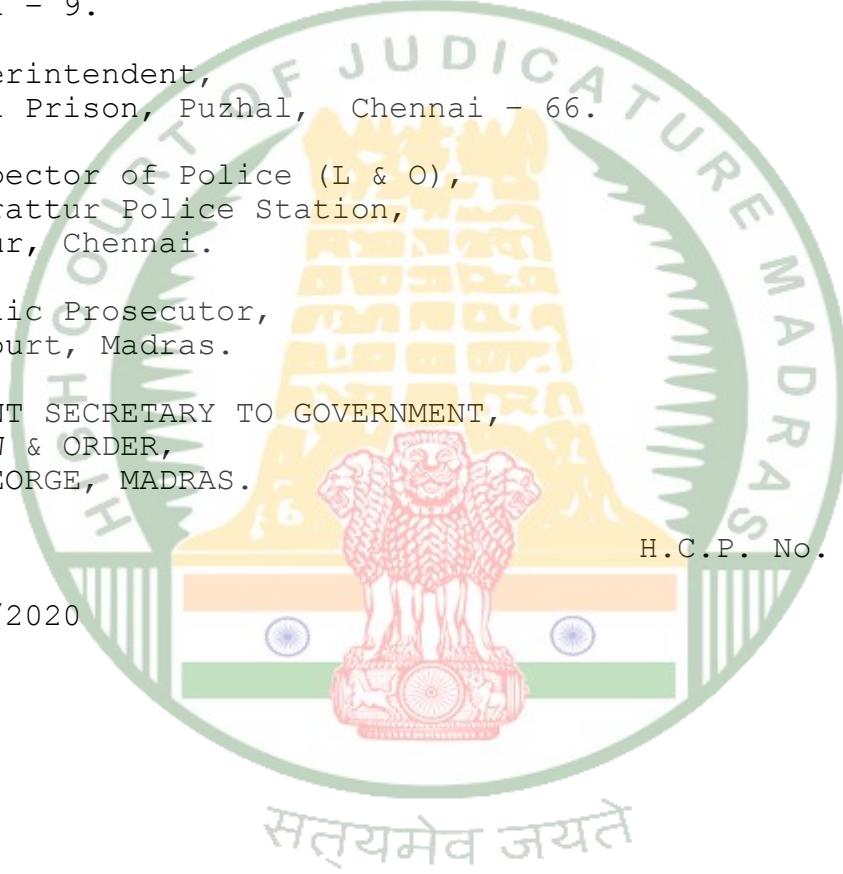
4.The Inspector of Police (L & O),
T-3 Korattur Police Station,
Korattur, Chennai.

5.The Public Prosecutor,
High Court, Madras.

6 THE JOINT SECRETARY TO GOVERNMENT,
PUBLIC LAW & ORDER,
FORT ST.GEORGE, MADRAS.

H.C.P. No. 963 of 2020

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