

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

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

H.C.P. NO. 1039 OF 2020

Indira

...Petitioner

-vs-

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
O/o. District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore District.
- 4.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 5.The Inspector of Police
Nellikuppam Police Station,
Nellikuppam.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus calling for the records pertaining to the order of detention passed in C3/D.O./04/2020 dated 25.01.2020 passed by the second respondent and set aside the same and directing the respondents to produce the petitioner's son by name Karthickraja @ Karthick, son of Jayaraman, aged about 20 years, before this Court now confined in Central Prison, Cuddalore and set him at liberty.

For Petitioner	..	Mr.K.Thenrajan
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 Karthickraja @ Karthick, son of Jayaraman, aged about 20 years, who is the detenu. The detenu has been detained by the second respondent in connection with order in C3/D.O./04/2020 dated 25.01.2020, 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 inquest report pertaining to ground case at Page No.118 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./04/2020 dated 25.01.2020 passed by the second respondent is set aside. The detenu, namely, Karthickraja @ Karthick, son of Jayaraman, aged about 20 years, is directed to be released forthwith unless his detention is required in connection with any other case.

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Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssm

To

- 1.The Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St.George, Chennai 600 009.
- 2.The District Collector and District Magistrate,
O/o. District Collector and District Magistrate,
Cuddalore District,
Cuddalore.
- 3.The Joint Secretary to Government,
Public Law and Order, Secretariat, Chennai - 9.
- 4.The Superintendent of Prison,
Central Prison, Cuddalore District.
- 5.The Superintendent of Police,
Cuddalore District, Cuddalore.
- 6.The Inspector of Police
Nellikuppam Police Station,
Nellikuppam
- 7.The Public Prosecutor,
High Court, Madras.

H.C.P. No. 1039 of 2020

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KKV/29/12/2020



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